

Value of Surveillance: Private Policing, Bourgeois Reform, and Sexual Commerce in
Turn-of-the-Century New York

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DEDICATION

For my parents.

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TABLE OF CONTENTS

	Page
List of Abbreviations	vii
Abstract.....	viii
Chapter One: Introduction and Dissertation Plan	1
Dissertation Plan	8
Research Questions and Methodology	9
Archive and Methods	24
Why “Marxian”?	29
The Formation of a New York-Based American Industrial Bourgeoisie.....	30
Progressive Reform and Social Reproduction	43
Chapter Two: The Substance of Class	55
The State as Site of Capitalist Class Composition	69
Making Vice Unprofitable	83
Law, Punishment, and the Causes of Commercial Sexual Vice	99
Protecting Market Society	114
Compensation, Recreation, and Class Antagonism	121
Chapter Three: Undercover Investigation, Reform, and Bourgeois Police Activism.....	137
Undercover Surveillance in the Nineteenth Century.....	142
Investigation and Anti-Prostitution Activism in the Progressive Era	148
Chapter Four: Biopower, the Forensics of Capital, and the Committee of Fourteen	164
Biopower and the Forensics of Capital	166
Suppressing the Social Evil.....	175
Policing Character	187
Tensions	205
Causality and Contagion	214
Chapter Five: Valuing Surveillance.....	225
Two Circuits	227

The Circuit of Industrial Capital	230
Commercial Capital and Interest-Bearing Capital	233
Talking It Through... ..	236
Surveilling Capital.....	249
Surveilling the Circuit of Industrial Capital	258
Surveilling the Circuit of Merchant’s Capital, Part A: Commercial Capital	282
Surveilling the Circuit of Merchant’s Capital, Part B: Interest-Bearing Capital	309
Taking Stock	311
Chapter Six: Conclusion	313
References.....	317
Archives	317
Published Sources	317

LIST OF ABBREVIATIONS

Committee of FourteenCOF
The Committee of Fourteen Records, New York Public Library Manuscripts and
Archives DivisionC14
The Committee of Fifteen Records, New York Public Library Manuscripts and Archives
DivisionC15

ABSTRACT

VALUE OF SURVEILLANCE: PRIVATE POLICING, BOURGEOIS REFORM, AND SEXUAL COMMERCE IN TURN-OF-THE-CENTURY NEW YORK

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Scholars have long mined the voluminous archive of the Committee of Fourteen (1905–1932)—a powerful, privately funded law enforcement and anti-prostitution organization backed by influential industrialists and social reformers—to examine various elusive elements of New York City social history, including the emergence of queer subcultures, the extralegal enforcement of Jim Crow by private authorities, and the policing of sex workers, their clients, and "promiscuous" women within and beyond commercial amusement spaces. This dissertation both contributes to and departs from this important body of historical scholarship by providing a Marxian consideration of the Committee of Fourteen's origins, methods, intellectual contributions, political influence, and published and privately communicated beliefs and/or positions. Exploring the archive with an eclectic mixture of conceptual categories and critical frameworks ready-to-hand, including Marx's work on value theory, Michael Ralph's "forensics of capital"

framework, and Foucauldian theories of biopower and surveillance, this dissertation develops a novel, “ecological” understanding of the Committee of Fourteen as a vital site of capitalist class composition.

CHAPTER ONE: INTRODUCTION AND DISSERTATION PLAN

This dissertation is about private policing, undercover investigation, surveillance, sexuality, and commercial amusements in New York City at the turn of the twentieth century. The central organization studied in this dissertation is the Committee of Fourteen (COF, 1905–1932), a prominent private police and anti-vice society that reshaped law enforcement practices in New York City and used undercover investigation to regulate conduct in the city’s commercial leisure, work, and home environments.

By cultivating working relationships with commercial organizations, government agencies, and other private reform societies, the COF (or, to use the group’s full original title, “The Committee of fourteen for the Suppression of the ‘Raines’ Law Hotels’ in New York City”) worked to ensure its subjective evaluations of proprietors’ and property owners’ social reputations functioned in practice formed an objective, socially valid basis upon which to ground workable, if ethically fraught, extralegal methods for regulating social conduct and thereby safeguarding social order. The tactical use of undercover surveillance—namely, systematic deployment of plainclothes, amateur detectives to collect information on and test the reputation of individuals of various kinds in targeted establishments and spaces—was the basic method by which the COF judged social standing and thereby policed access to capital according to a standard of demeanor agreed upon between the COF’s members and commercial and governmental partners. Through surveillance, the COF contributed generally to what *Atlantic Monthly* essayist and soon-to-be COF member George W. Alger referred to in 1909 as “the development

of commercial standards of success” —that is, the building up of “the moral framework of American business,” one where the “principles of character” function “as the great basis of credit” (Alger 1909, 46).

COF members utilized information gathered by the group’s investigators to consider whether or not an individual’s comportment, attitudes towards certain topics or events, utterances, social interactions with disreputable persons, apparent acquaintances, etc., were socially acceptable according to their interpretation of legal and moral standards. Following consultation with representatives of the regional Brewers’ Association, a blacklist (called the “Protest List”) detailing the current reputational standing of all establishments so investigated was drawn up on a semi-annual basis and circulated to the COF’s institutional and commercial partners. This document was to be treated as the definitive guide to the moral credibility of the city’s drinking establishments. The COF expected its commercial associates in the liquor and bonding trades to respect the reputational rankings listed on the Protest List and act according to its advice, which was generally tailored to the specific case. Businesses were expected to cut ties with persons and enterprises who were considered irreformable or hopelessly disreputable. In borderline cases where the COF believed improvements might be induced, it encouraged surety companies and brewers to leverage the typically high degree of business influence they wielded over proprietors to insist on changes in commercial comportment, the introduction of new management strategies, self-vigilant avoidance of certain technically legal but morally frowned-upon commercial practices

(e.g., crossing the color line by serving alcoholic beverages to white and Black patrons alike), and many other areas of concern.

I demonstrate in this dissertation that the *value of surveillance* to the COF lay mainly in undercover investigation's capacity to function as a socially valid technique for evaluating the dependability of individuals and businesses, enforcing negotiated standards of propriety, and detecting deviations from prescribed margins of conduct. The field of intervention of conduct to be regulated by the COF's surveillance can be briefly circumscribed in the form of a question: who is permitted to sell what to whom, under what conditions? Social disorder, sexual immorality, and vice, were, the COF believed, primarily outcomes of reproachable business practices, of unconscionable methods of profit-making deployed by capitalists whose engagement in underregulated and ruinous competition with disastrous, anti-social consequences, not from any natural human impulses of "emotional demand." It followed from these beliefs about the causes of vice and disorder that, as the COF's longtime chairman, Reverend John P. Peters (1918, 371) once wrote, to fight "the social evil" of sexual immorality was a matter not of combating "vice per se, but vice as a gainful business," that is, of limiting the production of surplus-value to a certain circumscribed terrain of social approbation.¹

¹ Beyond being rector of St. Michael's Episcopal Church on Manhattan's Upper West Side, Peters was also a professor at the University of Pennsylvania and a noted archaeologist who led several high-profile excavations beginning in the 1890s. Peters was chairman of the COF from 1905–1916 and remained honorary chairman until his death in 1922. See "A Preacher Who Hates Liquor Law Hypocrisy," *New York Tribune*, May 2, 1909, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1909-05-02/ed-1/seq-58/>; George Haven Putnam, letter to the editor, "Dr. Peters's Work in Nippur," *New York Times*, March 19, 1923, <https://nyti.ms/3uPpKVp>; *Obituary of Yale Graduates 1922*, 375.

By virtue of surveillance's capacity to generate socially objective "true accounts" of social conduct that could reach persons shielded from persecution by corruption or legal barriers, its use made possible the growth of an effective machinery for regulating the behavior of capitalists so as to protect the health and welfare of society as a whole—that is, so as to advance the interests of the capitalist class as a whole by preserving the general welfare and stability of society while maintaining the basis for existing class divisions.

Unlike "monitoring," a type of action which can include data collection for the sole purpose of ensuring authorities' accountability (for example, human rights groups' monitoring of the activities of corporations and governments), the term "surveillance" is used when "asymmetrical power relations" exist "between watcher and watched, with the former in the dominant position" (Andrejevic 2019, 8). When I use "surveillance" throughout this dissertation, I want to stress two other interrelated but conceptually distinguishable aspects of the concept. First, surveillance names a mechanism of self-actualization. It is observation as a generative or *erotic*—that is, at once taboo-defying and *productive* or generative—tool for the production and consumption of mediated representations of "the other" and "elsewhere," a mode of achieving scopophilic satisfaction, and a pleasure-in-looking through which the unknown is covertly taken into account by a "detached" observer. By virtue of being an erotic or generative practice of data collection and interpretation, surveillance is often also an active mode of engagement with the world that can involve the transgression of the usual limits of formal or informal boundaries of conduct. At its most interactive, surveillance involves the

“detached” watcher playing a dynamic role in shaping events, not just observing them. Through techniques of surveillance, spatial, temporal, and social divisions can be broken down and rearranged, unlocking new ways of perceiving (and intervening in) the social world. Surveillance can thus alter the distribution of useful information in society, changing the balance of “who knows what *about* whom” and of “who knows what *compared* to whom” in society (Meyrowitz 2009, 35).

Second, surveillance names modes of watching and being watched designed to secure the production of profit or power. It is a way of establishing control over space through the strategic manipulation or generation of information flows. In this sense, surveillance acts as an alien, impersonal, external force that renders subjects into categorizable and always-already-hierarchized categories, as a simultaneous representation and reinforcement of an existing structure of power imposed on individuals and populations, a disciplinary power that watches in order to categorize, predict, deter, account for, or prevent certain social phenomena.

Beyond its core value as a means of adjudicating access to capital and, relatedly, distributing social reproval or punishments when immorality or disorder was detected, surveillance served many additional purposes for the COF. Surveillance facilitated the cultivation of a sense of being watched among parties targeted by it. It enabled the production of a wide spectrum of useful insights into the daily lives and sexual practices of the general population, insights that were otherwise inaccessible without the use of undercover techniques. Information collected this way could also be analyzed and represented in arguments designed to influence policy discussions. Information

“gathered” and/or produced via undercover methods could sometimes hold multiple uses, serving now as part a forensic account of conduct that might impact a place’s standing on the Protest List, now as a statistical data point presented in one of the many social scientific publications, published annual reports, and articles written by COF members, now as witness testimony before a magistrate judge in one of New York’s lower courts.

The value of the related technique of cultivating inter-organizational relationships with private and public authorities, by contrast, was that by way of such cooperation an extralegal system of policing could be produced that would bypass the official but doubtful channels of the courts and police department. Such extralegal mechanisms were needed because the courts and the police afforded basic legal protections to the accused that prevented successful prosecutions, and because agents of both institutions could not be trusted to carry out the disciplinary and surveillance work the COF and its backers perceived to be necessary for the preservation of social order and social hygiene. This vigilante apparatus was both a function of and forum for much inter-organizational communication and collaboration. The cooperative scheme, when it was operational (that is, prior to the arrival of prohibition in 1920 and the end of the licensing system that was its linchpin), effectively permitted the COF to directly compel individuals and enterprises to conform to the standards of behavior dictated by its members and their commercial and industrial allies, and to thereby redraw the boundaries of respectability while exploiting the commercial value of social repute. As E. L. Godkin (1890, 61) pointed out a decade and a half before the COF’s formation, reputation “takes the place to a large extent of

capital” in the commercial sphere. The COF put Godkin’s beliefs about the importance of the politics of reputation to the integrity of society—that “the love of reputation is the most powerful motive to good conduct,” and that “it is to the desire of social approval, and the corresponding fear of social reprobation, that every community owes most of its protection from disorder and fraud” (Godkin 1890, 59) —into action, fixing individuals’ commercial credibility, and thus their ability to access capital and engage in trade, to the outcome of the COF’s independent evaluation of their social repute. The COF’s practices of surveillance expressed and advanced the group’s belief that social order could only be adequately managed if the public—or, failing that, those willing and able to pay for the COF’s surveillance services—had at its disposal and actively utilized objective, “neutral” (with respect to commercial competition and political bias) tools of covert observation to arbitrate the social standing of businesses and individuals and to regulate flows of money-credit, commodities, insured bonds, liquor licenses—that is, to condition access to capital—according to some real or ideal collective standard of respectability. Much like the digital surveillance platforms of contemporary companies like Alphabet and Meta, the surveillance capacities that the COF tapped in order to produce a truthful and sufficient account of the conduct of individuals and enterprises were largely implemented without any regard to the “right to privacy” or personal sovereignty of the individuals thus surveilled, and were developed largely outside the fields of vision and action of existing legal and judicial institutions by people possessing particular ideologies and motives.

Dissertation Plan

The dissertation unfolds in the following sequence. This chapter provides an overview of the plan of the dissertation, including the key research questions asked, major arguments and insights advanced, the central archive to be explored, and the methodology utilized. This chapter also includes a short introduction to both the increasing economic centrality of New York City to American capitalism during the nineteenth century and the consolidation of an increasingly Manhattan-based “ruling class” assemblage, an “American industrial bourgeoisie,” in the postbellum period.

Chapter two provides an elaboration of my approach to “class” and an introduction to the Committee of Fourteen, the central object of discussion in the dissertation. I situate this organization’s work and in particular its use of undercover surveillance techniques within broader Progressive struggles over areas of consideration such as: the direction and shape of American welfare capitalism; the appropriate role to be played by the state and civil society in safeguarding, surveilling, and/or disciplining the mass of the population; and the generation and/or exacerbation of “social disorder” by assorted enterprises, industries, and individuals engaged in forms of unchecked profit-seeking and/or socially destructive competition.

Chapter three explores how undercover surveillance gradually developed into a central method utilized by a variety of Progressive good-government, social, and moral reformers. I emphasize that undercover surveillance, rather than constituting just a technique for pursuing isolated goals, had gradually developed by the early decades of the twentieth century into a pervasive, nearly ubiquitous means for Progressives to

engage in political activity, produce useful knowledge, build interorganizational networks, and generally advance interconnected goals of social control *and* protection of the physical and moral welfare of the urban population.

In chapter four, I consider the Committee of Fourteen through a novel framework grounded in theories of “biopower” and the “forensics of capital” in order to draw attention to the theories of causation, beliefs about responsibility and liability, and models of social contagion that undergirded the organization’s methods of discipline and punishment. I investigate how the COF’s use of covert surveillance methods and tactical negotiations with governmental and civil society bodies worked to alter conduct within commercial leisure spaces, restrict access to capital according to subjective theories of respectability, and distribute responsibility for social disorder or social harm onto specific economic agents or enterprises.

I engage Marxian value theory in chapter five to analyze the COF’s disciplinary apparatus, specifically its efforts to constrict the movements of capital across the spheres of industrial production and market exchange, arguing that the “value” of surveillance lay in its capacity to provide a neutral mechanism for regulating capital’s movements across these spheres. Chapter six provides concluding remarks on the broader implications of the dissertation’s themes and insights.

Research Questions and Methodology

Business—the making of money by the production or sale of commodities—is the greatest interest of life to the bulk of the American community.

—E. L. Godkin [1896] 1897b, 268

The central research questions explored in this dissertation are: How did the Committee of Fourteen use its extralegal machinery—which allowed it to arbitrarily generate otherwise private information about individuals, enterprises, and spaces—and why did it use it in these ways? What substantive or core political, cultural, social, and economic aims were advanced through its surveillance practices? How should we understand the “inner logic” motivating the COF’s assorted activities, and what was the relationship between this work and the broader sphere of bourgeois social reform politics and private policing of conduct in Progressive-era New York City? Finally, seen from the perspective of members of New York’s capitalist class, what significant use-values were generated by the covert investigations and extralegal maneuvers performed by the COF and related private societies?

A significant intervention made in this dissertation’s concerns the approach taken to the scholarship on the COF, its archival records, and its members’ published and unpublished writings. Instead of taking a narrow, functionalist view of the archive that seeks to confirm or deny a pre-figured set of hypotheses or advance a central argument, I take an “ecological” or holistic approach to the archive. I am not motivated as much by a desire to highlight some hitherto hidden sexual practices or identities that can be accessed by way of the COF’s records as I am by a desire to explore the COF as an instructive example of how capitalist class composition unfolds in modern industrial society, and of the significance of surveillance and related disciplinary techniques and capacities to this process.

The practical goals of the COF can in one sense be enumerated, and such a process of naming “functions” may initially appear to be a self-sufficient method of characterizing the group’s existence and purpose. The COF’s original stated goal, the repression of the disorderly pseudo-hotels brought into existence accidentally by the 1898 Raines Law, was listed explicitly right in the group’s subheading (Peters 1908; Whitin 1923, 656). Even without a glance at the literature, though, the mere fact that the COF remained in existence until 1932, long after the “Raines Law hotels” had vanished from the scene, already indicates that this was not the only or perhaps even the most important motivation at work.

Beyond the goal of conquering Raines Law hotels, the COF had many other practical ambitions over the course of its nearly three decades of existence.² It worked to secure a generalized reduction in prostitution by overhauling and augmenting the reach and both the repressive capacities of the criminal justice system (Baldwin, Kellor, and Simkhovitch 1910; Whitin 1923; Gilfoyle 1992, 306–309), to prevent disorder and apply a new standard of respectability to drinking establishments and, by extension, to patrons (Keire 1997; Fronc 2009, 71; Heap 2009, 46, 50, 168), to fight “sexual immorality,” “venereal disease,” and “promiscuity” (Clement 2005, 10, 126–127; Stern 2018, 29–31, 44) while safeguarding what members considered the cultivation of “normal sexual attitude” among young white ethnic working women and girls (Johnson 2007; Johnson 2009), to impose penalties on *male* beneficiaries of “vice” or “commercializers” and patrons of sex work (Peters 1918, 385; Committee of Fourteen 1925, 19–20; Mackey

² I return to the COF’s origins in chapter Four.

2005), to enforce restrictive dance hall legislation and other reforms impacting commercial leisure spaces like night clubs (Peiss 1989; Perry 1985), to police sexual and social practices perceived to violate the “color line” (Mumford 1997, 25–27; Robertson 2009) or reckoned to entail “moral perversion” (Chauncey 1994, 367; Johnson 2007, 44; Heap 2009, 89, 175), to alter the lower courts’ standards of evidence collection in disorderly house cases so as, for instance, to accommodate methods of entrapment (Whitin 1912; Committee of Fourteen 1916, xviii; Whitin 1923), and to enforce behavioral regulations both lawful, like the Tenement House Act of 1901 (Hartman 2019, 248) and the Dance Hall licensing law of 1910 (Perry 1985),³ and “extralegal,” taboo, or even explicitly verboten, like *de facto* Jim Crow segregation in commercial drinking establishments, which after all, was as W. E. B. Du Bois once pointed out to the COF, transparently illegal (Fronc 2006; Fronc 2009, 102, 112, 122).⁴ The COF pushed for the passage of the Ambler law of 1905, the Prentice law of 1906, and the Page Law of 1910, all of which facilitated inspection and policing of disorderly hotels in various ways and expanded the police powers of the bourgeois state and its civil society tributaries (Peters 1908, 89; Mackey 2005, 21–22).⁵

³ “Dance Hall Law in Force,” *New York Times*, March 1, 1911, <https://nyti.ms/3Olcv6S>.

⁴ New York City probation officer and COF member, Maude E. Miner, also advocated racial segregation in jails, framing it as a commonsense anti-disorder technique comparable to the separation of persons with criminal histories from first-time offenders. Falconer and Miner 1922, 8, 11.

⁵ “Prentice Bill Signed,” *New York Times*, April 11, 1906, <https://nyti.ms/3va3FRy>. The Page Law was ultimately declared unconstitutional in 1911.

Beyond these substantial struggles for legal reform, the COF's undercover investigators cooperated directly with police in numerous capacities, sharing information and participating in joint surveillance activities and conducting collaborative arrests. Indeed, as Reverend Peters wrote in 1918, it at times "almost seemed as if the Committee of Fourteen were an adjunct of the police force" (Peters 1918, 366). Its investigators also contributed to the war effort by surveilling moral and nightlife conditions near military encampments for the War Department's Commission on Training Camp Activities (Committee of Fourteen 1917, 7; Lane 1917; Peters 1918, 387–388; Miner 1918; Mackey 2005, 28; Stern 2018, 44).⁶ The results of a 1907–1908 investigation conducted by the COF into the lower courts—those responsible for most prostitution and disorderly house cases—served as the basis for the creation of the Inferior Courts Commission, which in turn, according to Peters,

⁶ See also Odell 1917a; Odell 1917b; Raymond B. Fosdick, "The Soldier's Recreation, *Trench and Camp*, January 2, 1918, <https://chroniclingamerica.loc.gov/lccn/sn89053537/1918-01-02/ed-1/seq-7/>; John D. Rockefeller, Jr. "U.S. First to Organize Morally Against Enemy," *Trench and Camp* (Admiral [Fort Meade], Maryland), December 26, 1917, <https://chroniclingamerica.loc.gov/lccn/sn92068220/1917-12-26/ed-1/seq-7/>. COF member Maude E. Miner was chairman of the Commission's committee on protective work for girls. "War Commission on Training Camp Activities Considered a Significant Factor in Winning War—Many Phases to their Work," *Hattiesburg News* (Mississippi), September 21, 1917, <https://chroniclingamerica.loc.gov/lccn/sn87065167/1917-09-21/ed-1/seq-42/>; "Women Police Rescue Girls who Flock to All Military Centers," *Daily Ardmoreite* (Oklahoma), March 10, 1918, <https://chroniclingamerica.loc.gov/lccn/sn85042303/1918-03-10/ed-1/seq-9/>; "Protecting Young Girls in Vicinity of Camps," *Cordova Daily Times* (Alaska), March 19, 1918, <https://chroniclingamerica.loc.gov/lccn/sn86072239/1918-03-19/ed-1/seq-6/>; Edna Huber Church, "Women Police of Military Camps Helping to Win the War," *South Bend News-Times* (Indiana), May 20, 1918, <https://chroniclingamerica.loc.gov/lccn/sn87055779/1918-05-20/ed-1/seq-9/>; Hadden 1968, 161–176.

overhauled and reformed the courts of New York in 1910, enlarging the Court of Special Sessions to ensure prompter trials, coordinating and unifying the Magistrates' Courts to cure the confusion and lack of system . . . , adding the Night Court for women, especially to obviate the bond abuse, and the system of identification by fingerprints, among other things (Peters 1918, 370).

Besides contributing directly to its creation, the COF went on to supervise the operations of the Women's Night Court (Mackey 2005, 4, 206),⁷ and COF members continued to criticize the structure and functioning of the city's courts, penal institutions, and police while advocating for various legal and practical changes in law enforcement procedure throughout its existence (Alger 1913; Alger 1916; Ihlder 1916, 265; Miner 1916, 143–155; Alger 1917, 214–218; Whitin 1923, 658–661; Reynolds 1923a, 75–79; Alger 1928; Alger 1930a).⁸ COF members were represented on the mayor's committee

⁷ The practice of holding nighttime sessions was discontinued in Manhattan in 1918, partly in response to the “undesirable publicity” surrounding the court and its popularity as a late-night amusement space for “aristocratic slummers or diners in uptown restaurants or Greenwich Village,” who crowded the court to observe spectacular cases related to “jostling, begging, fortune telling, carrying dangerous weapons, impairing the morals of minors, distributing drugs of intoxication, disorderly conduct, addiction to drugs and of assault,” and prostitution. Katharine Wright, “Sightseers End Women's Night Court,” *New York Tribune*, August 11, 1918, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1918-08-11/ed-1/seq-25/>. See also “End Women's Night Court,” *New York Times*, June 29, 1918, <https://nyti.ms/3s4tQHE>; “New Women's Court Today,” *New York Times*, April 21, 1919, <https://nyti.ms/3LqCw2B>.

⁸ “Pass Liquor Tax Bill,” *New York Tribune*, April 21, 1910, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1910-04-21/ed-1/seq-2/>; “Bill Would Stifle Vice,” *New York Tribune*, February 6, 1913, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1913-02-06/ed-1/seq-4/>; “White Slavers Get Varying Penalties,” *New York Times*, February 22, 1913, <https://nyti.ms/3k3pzjj>; “Police Praised as Only Vice Foe,” *New York Tribune*, February 5, 1916, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1916-02-05/ed-1/seq-9/>; “Ranks Some Judges Below the Moron,” *New York Times*, May 24, 1924, <https://nyti.ms/36l8y0A>; “Warren Satisfied with Policy on Vice,” *New York Times*, July 11, 1928, <https://nyti.ms/3xOL3IB>; “Denies Vice Report Reflects on Police,” *New York*

for the censorship of motion pictures (“Censorship for Moving Pictures” 1910).⁹ The COF’s research sub-committee, consisting of Mary Kingsbury Simkhovitch, Frances A. Kellor, and Ruth Standish Baldwin, composed an influential sociological survey of law enforcement, policing, and crime in New York City. The report, *The Social Evil in New York City*, published in 1910, was the most comprehensive of its kind, and acted as “the parent of the so-called vice reports of Chicago and other cities,” most of which were conducted by the lead investigator for the COF’s study, George J. Kneeland (Peters 1918, 371).¹⁰ The significance of these “vice reports” to national policy discourses related to

Times, July 13, 1928, <https://nyti.ms/3OBmLIj>; “Denies Existence of Huge Vice Ring,” *New York Times*, November 17, 1930, <https://nyti.ms/3OwtoLK>.

⁹ “The Campaign to Curb the Motion Picture Evil in New York,” *New York Times*, July 2, 1911, <https://nyti.ms/3rxMO9g>; Edward Marshall, “New York’s Relentless Conspiracy Against Youth,” *New York Times Magazine*, January 21, 1912, <https://nyti.ms/36pGVUg>; Frederick H. Whitin to Arthur Leslie, February 25, 1920, File: “L. Corresp,” Box 11, C14. On COF members’ broader advocacy around regulation of motion picture theaters, see also Mary Kingsbury Simkhovitch, letter to the editor, “Motion Picture Clash,” *New York Times*, December 17, 1912, <https://nyti.ms/3wfmqz1>. Of the dangers hiding in even apparently respectable motion picture theaters, COF member Maude E. Miner once wrote, “Lurking in moving picture houses and cheap theatres there are many dangers for young girls. In spite of censorship of films some pictures are still shown with a debasing influence upon impressionable minds.... Procurers and white slave traffickers watch for young girls at moving picture theatres or win their attention by inviting them to these places.” Miner 1916, 85.

¹⁰ See also Taylor 1910a, 858. Many articles covering urban “vice reports” mentioned the COF’s report by name. See for instance “A Former McCook Boy,” *McCook Tribune* (Nebraska), April 27, 1911, <https://chroniclingamerica.loc.gov/lccn/sn94056415/1911-04-27/ed-1/seq-3/>; “Heavy Hand of Uncle Sam Comes Down on Violators of the White Slave Law,” *Day Book* (Chicago), November 9, 1911, <https://chroniclingamerica.loc.gov/lccn/sn83045487/1911-11-09/ed-1/seq-3/>. The 1911 reports of the vice commissions of Chicago (which notably was titled *The Social Evil in Chicago* and was also guided by Kneeland) and Minneapolis both cited the findings of the COF’s Research Committee to support their conclusions regarding the sophisticated, organized character of “commercialized vice” and the “white slave” traffic. Chicago Vice

law and punishment, urban crime, economics, gender relations, and the family cannot be overstated. Indeed, beyond the direct question of how best to police prostitution and other “commercialized vices,” the vice commissions in from Chicago to Philadelphia to Minneapolis to Honolulu constituted key battlegrounds for the conflict over American “welfare capitalism,” including especially the first stages of the debate over the practicability and constitutionality of protective legislation like minimum wage and maximum hours laws for women (Chicago Vice Commission 1911; Minneapolis Vice Commission 1911; Taylor 1911; Honolulu Social Survey 1914; Ryan 1915; Persons 1915; Kerr 1976).¹¹

The Social Evil in New York City represented a broader goal advanced by the COF, that of the production of scientific knowledge of social conditions and categorization of the population through covert investigation. In a December 1913 article in the prominent charities and social work publication, *The Survey*, recently elected COF

Commission 1911, 231; Minneapolis Vice Commission 1911, 94–95. See also Honolulu Social Survey 1914, 23.

¹¹ “Girl on the Industrial Firing Line,” *Golden Age* (Atlanta), February 9, 1911, <https://chroniclingamerica.loc.gov/lccn/2020233210/1911-02-09/ed-1/seq-10/>; “Report on Chicago Vice,” *New York Times*, April 6, 1911, <https://nyti.ms/3pYwjm4>; “New York State Factory Investigating Commission,” 783; Mildred Rankin, “The Present Status of Minimum Wage Legislation, With Some Facts About the Need in Maryland,” *Maryland Suffrage News* (Baltimore), October 3, 1914, <https://chroniclingamerica.loc.gov/lccn/sn89060379/1914-10-03/ed-1/seq-4/>; Lucy Huffaker, “Is Ours the Responsibility for the ‘\$6 per?’” *New York Tribune*, December 6, 1914, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1914-12-06/ed-1/seq-29/>; “Minimum Wage for All Workers,” *Maryland Suffrage News* (Baltimore), January 9, 1915, <https://chroniclingamerica.loc.gov/lccn/sn89060379/1915-01-09/ed-1/seq-6/>.

member James Bronson Reynolds, wrote of the importance of knowledge production to the many-sided contest against “commercialized vice”:

First, we must seek further knowledge and understanding of this complex and fundamental evil and the causes which produce it. We must know more of the sources of supply, classify better the victims and analyze adequately the causes of their downfall.... We must study recent attacks on vice and revise and improve our campaign. Much has been done hastily. The campaign from now on should be more deliberate, more intelligently and comprehensively planned and more persistently executed. We must attack the present strongholds of the promoters of this iniquitous traffic, the panderers and procurers, male and female. Cafes, dance halls and amusement places must be cleansed of their pernicious elements (Reynolds 1913, 354).¹²

The intimate, detailed forms of socially credible knowledge produced by the COF’s undercover investigators enabled representatives of the urban managerial class to generate novel insights into social relations observed within the various new spaces of commercial amusement noted by Reynolds in the passage above. Such knowledge made possible what COF members saw as more accurate evaluations of the causes of “vice” and “disorder,” and such knowledge could be strategically presented to the public, to business enterprises and trade associations, or to government agencies to advance organizational goals.¹³ It also enabled the sorting of social identities and practices and commercial activities into more adequate conceptual categories, a process which, as

¹² James Bronson Reynolds, a former Assistant District Attorney and “white slavery” investigator and personal advisor to Roosevelt, served as counsel for the American Vigilance Association, organized in 1906 and later for the American Social Hygiene Association. He was elected to the COF in October 1913, roughly two months before the publication of the article cited and was president of the American Institute of Criminal Law and Criminology at the time of his death in January 1924.

¹³ “12,000 Vice Cases Studied by Kresel,” *New York Times*, October 29, 1930, <https://nyti.ms/3xMx19a>; “Puts City Vice Data Before Grand Jury,” *New York Times*, July 22, 1931, <https://nyti.ms/37CMi2Z>.

Reynolds's words suggest, in turn promised to enhance the capacity of authorities to better intervene in, police, and discipline activities deemed harmful to society or dangerous to social order. For his part, COF secretary George E. Worthington emphasized his identity as "scientist" over that of "reformer," stating to the press that he "abhorred the emotional or sensational approach to sociological questions" and instead endeavored to "investigate, experiment, study and finally make my deductions that way. When you know all the facts, who have the proper basis for new measures."¹⁴ Such "scientific" knowledge production, grounded as it was in the twofold strategy of employing undercover investigators on the one hand and, on the other, cultivating cross-organizational cooperation with sympathetic aims and similar investigatory capacities, afforded opportunities to secure multiple goals simultaneously.

Yet, while the above list of "functions" and/or efforts can convey much about the diversity of the COF's political activities, it cannot adequately capture the "inner logic" or "substance" underlying these different undertakings. To get at the COF's substance, I argue, we have to approach it as a platform for capitalist class composition, that is, for the development of socially valid, "neutral" means for objectively assessing, articulating, manifesting, and enforcing the collective interests of the "ruling class." Beyond being simply a loose unity of diverse police objectives and surveillance techniques, the COF constituted one among many important "Progressive" forums of contestation over the causes, significant features, and long-term solutions and/or immediate practical remedies

¹⁴ Quoted in "Worthington Is Really a Student," *New Britain Herald* (Connecticut), August 7, 1928, <https://chroniclingamerica.loc.gov/lccn/sn82014519/1928-08-07/ed-1/seq-9/>.

to those forms of “disorder” and “vice” deemed particularly salient to the class interest. The COF’s members held sometimes vastly dissimilar or even directly competing views, and its work was funded, supported, sophisticated, and/or leveraged by a very large range of persons and entities of the capitalist class, including especially businesses and monied industrialists, government agencies and officials, settlement house workers, immigrant rights advocates, academics, public health officials, penal institutions, judges, policymakers, municipal courts, social reformers and vice investigators, and clergy.

In capitalist societies, as Christian Fuchs (2021, 10) has recently argued, culture is the “sphere of accumulation of reputation.” At the most superficial level, membership in, employment by, or public cooperation with the COF offered means to accumulate social capital. The COF was thus a platform for connected individuals to accumulate esteem and social and cultural status. By virtue of cultivating such a relation with the COF, one not only gained valuable institutional and personal contacts and the distinction that comes with affiliation with a powerful authoritative body but was also granted the privilege of a voice in shaping and directing the Committee’s privately managed activities. One need only glance at the long list of individuals who at one time or another served as members of the COF but went on to be highly influential figures—including for instance, William Stiles Bennet, Republican US Representative from New York, Henry L. Stimson, who went on to be Secretary of War twice (1911–1913 and 1940–1945), administrative director of the Manhattan Project, and one of the most influential architects of American

foreign policy in the twentieth century,¹⁵ in addition to Frances A. Kellor, Mary Kingsbury Simkhovitch, and Belle Lindner Israels, three of the most influential women in early-twentieth-century American politics—to begin to appreciate the general contours of this point. While most COF members enjoyed some degree of prominence before joining the Committee¹⁶ (otherwise they would not have attracted the attention of the COF’s generally status-oriented members), membership also presented numerous potential

¹⁵ In one writer’s words, “few other men arguably shaped the trajectory of American foreign policy in the first half of the twentieth century as durably and profoundly as Henry L. Stimson,” who was not only “involved in many consequential decisions dealing with highly important matters of war and peace,” including especially the decision to use atomic weapons in 1945, “but was also a major influence in the United States’ more proactive involvement in extra-territorial affairs.” Majerus 2019, 845. Stimson was a COF member from 1910–1911, prior to becoming Secretary of War. The COF included not just lifelong Republicans like Bennet and Stimson, but also independent Democrats like Edward J. McGuire, an Assistant District Attorney and an important figure in the anti-Tammany “fusion” movement, and Percy S. Straus, a prominent dry goods merchant. “Heads Fusion Campaign,” *New-York Daily Tribune*, October 22, 1911, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1911-10-22/ed-1/seq-14/>.

¹⁶ One COF member, Isaac Newton Seligman, a prominent banker, was described in a 1916 publication as having “been connected with almost all the important social reform committees in New York and a trustee of nineteen important commercial, financial and other institutions and societies.” “The Seligmans,” *American Jewish World*, August 25, 1916, <https://chroniclingamerica.loc.gov/lccn/sn78004468/1916-08-25/ed-1/seq-3/>. Another, Lawrence Veiller, head of the New York committee on the prevention of tuberculosis, was described as “a housing expert of national reputation.” “Expert to Make Housing Survey for Harrisburg,” *Harrisburg Telegraph* (Pennsylvania), September 11, 1918, <https://chroniclingamerica.loc.gov/lccn/sn85038411/1918-09-11/ed-1/seq-2/>. The year in which Rabbi Bernard Drachman was elected to the COF, 1913, was in Drachman’s own words, “a very busy year,” during which he had become “to cynosure of all eyes in the Jewish community of America” and began to be “approached from the most varied quarters in regard to the most diversified matters.” Drachman 1948, 325. Another COF member, John G. Agar, in addition to being a member of the Rockefeller Foundation, was chairman of the Pontifical Institute of Sacred Music of New York City and treasurer of the National Catholic War Council, and later served under Governor Al Smith as chairman of the Committee of Unemployment of the Reconstruction Commission.

routes for the acquisition of social standing and amplification of influence. By working for the COF, salaried staff members who lacked particularly distinguished backgrounds—especially, Frederick H. Whitin—carved out cushy, decades-long careers for themselves while accumulating formidable reputations and building influence across a range of social networks.¹⁷

But beyond being a platform for individual advancement within the narrow field of professional repute, the COF was a platform for debate, knowledge production, and the reshaping of society-wide boundaries of respectability—the standards of commercial and social reputation—according to the consensus of its members in consultation with its institutional partners.

In practice, some members had more direct control over day-to-day affairs than others and could therefore more straightforwardly translate influence into action. The COF was by no means a completely horizontal institutional space. Indeed, after its reorganization in 1912, the Committee really consisted of two major components. First there was the core body, the Fourteen, which “constituted an inner executive committee” (Peters 1918, 379) the most important member of which was Frederick H. Whitin, the COF’s enthusiastic executive secretary. From the moment he joined the COF in 1906 until his death in 1926, Whitin was, in one historian’s words, the “perpetual-motion-

¹⁷ Frederick H. Whitin’s family, for and by whom the town of Whitinsville, Massachusetts, was named, gained prominence and tremendous wealth beginning in the early nineteenth century. Paul Whitin (1767–1831), Frederick’s ancestor, was a pioneering industrialist whose factory, the Whitin Machine Works, was at one point the world’s largest textile machine manufacturing operation. See Navin 1950.

machine” that kept the organization developing until his death in 1926 (Mackey 2005, 20).

The second, larger group, consisting of what Peters (1918, 379) called a “representative group of men and women engaged in cognate works,” was kept in the loop via occasional meetings and personalized bulletins. These members, who were typically directors of other reform organizations like the Bureau of Social Hygiene and the National Society of Social and Moral Prophylaxis or institutions like Greenwich House or Waverly House, played an indirect advisory role, and were only indirectly appraised of the organization’s daily work, their greater purpose being the facilitation of organizational cross-pollination. The boundary between these two bodies was not firmly fixed, but most members could be adequately classified into one or the other camp.

In some respects, it appears obvious that the COF worked to secure the interests of certain factions and cross-faction alliances of the capitalist class, and that it served in practice as a platform for generating consensus as to the collective interest of those factions represented. Consider, for instance, that the biggest donors to the COF were industrialists like John D. Rockefeller, Jr. and railroad speculators and mining magnates Arthur Curtiss James and Cleveland H. Dodge, corporate executives like influential retail dry goods merchant, Percy S. Straus, philanthropists like Edward S. Harkness, charitable organizations like the Rockefeller Foundation, and other wealthy and influential individuals and groups who saw value in the group’s efforts for one reason or another. Or consider how in 1913, after newspapers had begun to turn critical attention towards the potential harms caused by low wages and bad working conditions for women and girls in

department stores, the COF worked with the management-aligned National Civic Federation to shield the industry from criticism; for as the Federation put it in its report, these charges were being leveled against a “reputable business and, indirectly, men of good social standing and high position in their several communities” (Welfare Department of the National Civic Federation 1913, 27). After conducting its own undercover investigation into Macy’s department store (with the management’s consent), the COF argued that the publicly stated charges of immoral conditions in the stores were unsupported by evidence and that low wages did “not appear to be a cause of immorality,” commending the store’s managers for the “controlling effect” generated by their “manifest intuition...to deal harshly and severely with all” instances of “actual immorality” on the part of working girls and women.¹⁸

Yet, despite these signs of apparent partiality, for strategic and pragmatic reasons the COF’s effectiveness as a force in policing and reform hinged ultimately on its capacity to maintain a high level of esteem in the eyes of a range of authorities, to keep others convinced as to its neutrality and reliability with respect to its evaluations of the conduct and reputations of certain types of individuals and enterprises. From the beginning the Committee touted itself as “non-sectarian and non-political” in nature, intentionally including representatives from multiple church organizations and synagogues, the Paulist Fathers, the City Club, the Anti-Saloon League, and numerous

¹⁸ John P. Peters, “Department Store Investigation: Report of the Sub-Committee,” September 1914, p. 10–12, Box 39, C14. See Johnson 2007, 47; “Churches Failing to Do Their Duty,” *Times Dispatch* (Richmond), March 15, 1913, <https://chroniclingamerica.loc.gov/lccn/sn85038615/1913-03-15/ed-1/seq-8/>.

east side settlement houses.¹⁹ Rather than representing a single camp of the capitalist class, whose will or interest was expressed directly through its actions, the COF instead constituted a perpetually churning battleground where a diverse assortment of interests representing various factions of the class fought over which forms of “disorder” or “vice” were most significant, how to best conceptualize the causes of these significant “evils,” how consensus over standards of respectable behavior should be constructed, and by what methods these standards should be enforced.

Archive and Methods

The Committee of Fourteen records, located at the Manuscripts and Archives Division of the New York Public Library, constitute the most important source in the dissertation. This massive archive, which consists of over a hundred large boxes full of detailed undercover investigation reports, correspondence, fingerprint records, newspaper clippings, draft reports, notes for future publications, conference programs, business cards, memorandums, and many other assorted materials from the COF’s nearly three-decade career.

¹⁹ William S. Bennet, quoted in “Pressure on Higgins to Kill Raines Hotels,” *New York Times*, May 2, 1905, <https://nyti.ms/391yq2v>. As a result of his close connections to the Episcopal Church of New York, whose Bishop Henry Codman Potter had been instrumental an instrumental founding member in the national Church organization’s establishment of a standing commission for arbitration of capital and labor relations in 1901, Reverend Peters had already been made aware of the practical significance of political neutrality to industrial negotiations and disputes long before the COF’s founding. Of the difficulties facing state and federal boards of arbitration, mediation, and conciliation of various kinds, Peters wrote in 1902, “Let the angel Gabriel be appointed chairman or member . . . because he is a Republican or Democrat and the usefulness of that board is minimized if not utterly destroyed.” Peters 1902, xxviii.

Most existing studies that work with the COF's archive or examine the group directly tend to focus on one or another goal or period of its work. For example: Fronc (2006) explored how the COF's undercover work enabled the enforcement of Jim Crow. Mackey (2005), whose study focused on the COF, considered mainly the group's efforts to secure a "customer amendment" during the 1920s that would theoretically enable the prosecution of male clients. Clement (2006), Peiss (1986), and Johnson (2009) used the COF's archive to consider how various immigrant and working women and families navigated industrial work and leisure dynamics and patriarchal structures and articulated distinctions between participation in the practice of "standing treat" —that is, negotiated "barter" transactions between male and female "couples" that regularly involved some form of sexual service—and prostitution.

This dissertation contributes to this existing literature by emphasizing the COF and, more generally, the private police and reform movements the COF participated in, as *forums of capitalist class composition*, and by taking a novel, "ecological" approach to the COF's rich and enormous archive. In addition to engaging the archive, the dissertation considers the COF's published works (especially its annual reports and its 1910 study, *The Social Evil in New York City*), its members' published articles and monographs, and much of the local and national press coverage related to its various political and intellectual pursuits.

In referring to "forums of capitalist class composition," I mean to say these organizations constituted generative or productive institutional spaces for the development of apparatuses for the assessment of the interests of the capitalist class—

processes often camouflaged as (or even believed by participants to be) appraisals of the interests of society as a whole—and, accordingly, for the cultivation of methods for overseeing, disciplining, and policing the commercial and social conduct of certain members and/or factions of the class. In calling my approach “ecological,” I mean to say it is focused on uncovering latent class struggles as they are articulated across a totality of relations.

Being a work of cultural studies, this dissertation does not follow all the disciplinary conventions of sociological or historical research. I engage an open-ended style of exploration that leads me to consider theoretical and historical questions with relevance to many areas of studies, including economics, sociology, surveillance studies, political philosophy, critical carceral studies and criminology, and law. Specialists interested specifically in the career and archival holdings of the COF will find much useful information in this dissertation, but the insights and contributions presented will, I hope, be valuable for a range of readers—anyone looking to learn something new about the significance of undercover surveillance and private urban policing to the history of American capitalism.

The records of the COF constitute a particularly suitable archive for such an ambulatory, ecological approach to historical inquiry, not just because the archive itself is gigantic and multifaceted, containing as it does tens of thousands of interesting documents, but because the COF was a quintessential Progressive society that embodied many of the most important characteristics of the Progressive ethos of reform: its members and salaried staff held a high estimation of professional and managerial

“expertise” in matters of governance, scientific knowledge, and/or public health and safety, and they leaned on proximity to “the experts” and on its members’ specialized areas of expertise to justify the exercise of broad and often unregulated forms of influence; they had a high capacity and willingness to reach across lines of political fragmentation in the service of developing more effective mechanisms of negotiation and consensus formation; a moral self-righteousness and sense of exceptionalism which, when combined with the high social repute of the organization’s members, facilitated a systematic sidestepping of various ethical or legal boundaries that would otherwise challenge certain core methods of procedure; a definite tendency to cooperate actively across private and governmental organizations involved in similar or overlapping lines of work, maximizing organizational efficiency and building cross-institutional channels to conduct the spread of expert knowledge and information across a vast fabric of basically likeminded initiatives; and a willingness to serve as what might be called a “bed for strange bedfellows,” that is, to embrace within its membership and broader sphere of influence many sorts of individuals hailing from varied professional and institutional backgrounds, in the process bringing together even persons and entities with directly conflictual or contradictory political views, economic interests, and/or ideological commitments, in the service of higher, society-wide, and long-term goals.²⁰ The COF

²⁰ For instance, members included not only suffragists like Frances A. Kellor, Maude E. Miner, Mary K. Simkhovitch, and George H. Putnam, but also Alida Blake Hazard, a prominent *anti*-suffrage activist and penal reform advocate. See Mrs. Barclay [Alida Blake] Hazard, “Industrial Centres for Wayward Girls,” File: “General Correspondence, 1911, January–May, Box 1, C14. Hazard argued that suffrage was inherently socialistic, citing as evidence the words of Elizabeth Cady Stanton, who according to Hazard once “said at a meeting ... that if men did not grant women what they wished they would rise

exploited the fact that many different individuals and organizations starting from different premises and with different economic and political interests had arrived at the same conclusion regarding the practical necessity of combating “the social evil.”

This work is valuable for several reasons. It contributes to our understanding of private investigation’s role in the development of American urban police systems. Also, it contributes to the widening literatures on “racializing surveillance” and on surveillance’s many important functions within the history of American capitalism. Finally, it provides a useful opportunity through which we can better understand how the capitalist class

up as labor, the Socialists, and the Anarchists had done, and there would be a revolution like that in France” —a reference to the women of the Paris Commune of 1871. Alida Blake Hazard, quoted in “Says Suffragettes Lean to Socialism,” *New York Times*, April 1, 1908, <https://nyti.ms/3u4w8rG>. See Lady Cook and Mrs. Barclay Hazard, “Two Sides of Woman Suffrage,” *Detroit Times*, <https://chroniclingamerica.loc.gov/lccn/sn83016689/1909-03-29/ed-1/seq-8/>; Mrs. Barclay Hazard, “The New York Anti-Suffrage Association,” *Harper’s Bazar* 43 (July 1909): 730. On suffrage activism of COF members, see Alice Stone Blackwell, letter to the editor, “Immoral Women’s Vote: Needed to Deal with Problems of Legislation,” *New York Times*, January 28, 1909, <https://nyti.ms/3mbv6VO>; George Haven Putnam, “Future ‘Equal Suffrage,’” *New York Times Magazine*, January 9, 1910, <https://nyti.ms/37joxgo>; “Suffragists Wage Battle in Albany,” *San Francisco Call*, February 23, 1911, <https://chroniclingamerica.loc.gov/lccn/sn85066387/1911-02-23/ed-1/seq-2/>; “Three Leading Women Give Their Suffrage Opinion,” *Daily East Oregonian* (Pendleton), April 27, 1915, <https://chroniclingamerica.loc.gov/lccn/sn88086023/1915-04-27/ed-1/seq-7/>; “Social Workers Suffragists,” *Maryland Suffrage News* (Baltimore), May 15, 1915, <https://chroniclingamerica.loc.gov/lccn/sn89060379/1915-05-15/ed-1/seq-8/>; “Girl Sentinels to ‘Spy Out,’” *Day Book* (Chicago), March 23, 1916, <https://chroniclingamerica.loc.gov/lccn/sn83045487/1916-03-23/ed-1/seq-7/>; “Undesirable Women Will Not Vote,” *Maryland Suffrage News* (Baltimore), February 9, 1918, <https://chroniclingamerica.loc.gov/lccn/sn89060379/1918-02-09/ed-1/seq-3/>; Victoria A. Brownworth, “Frances Kellor and the Birth of Multiculturalism,” *Philadelphia Gay News*, October 18, 2018, <https://epgn.com/2018/10/18/frances-kellor-and-the-birth-of-multiculturalism/>.

wields power in general, and how New York City's industrial bourgeoisie cultivated and wielded its collective powers as a class formation in the early twentieth century.

Why "Marxian"?

I use "Marxian" instead of the more popular "Marxist" simply to emphasize that my relationship to Marx's work is not based in a dogmatic "-ism," but in a reading that privileges certain ideas, interpretations, and texts—many of which were famously unfinished in Marx's lifetime. "Marxism" denotes for many a scientific orthodoxy that one can easily access and comprehend just by "reading Marx," even if many scholars who use the term today do not mean to use it in this way. Such a view reduces "reading Marx" to the reading of a fixed and completed dogmatic theory. Marx did not construct a single, static theory or project, but rather was continually updating and criticizing his views as he processed new information and witnessed world-historical events that revealed new insights into capitalism.

Marx was famously against the formation of "-isms." Moreover, many of the large projects that we read today were not completed by Marx and have only been presented to wide audiences by way of significant editorial interventions, which, by smoothing over certain perceived contradictions and imperfections in the original manuscripts, constitute barriers to precise reception and interpretation. Marx's many-sided analyses of value, the bourgeois state, and class, which play no small part in this dissertation, were never completed, for instance. Because the research process for *Capital* was not yet complete, Marx continued working on the manuscript for volume two up until 1880, when his failing health prevented him from continuing.

The word “Marxist” can bring to mind for many readers the dogmatic “Marxist Science” of twentieth-century Marxist-Leninism and certain historical figures like Lenin and Rosa Luxemburg (Heinrich 2012, 25).²¹ But these figures had much less access to Marx’s texts than we do today. The publication of the *Grundrisse*, for instance, a key text for the analysis of the development of Marx’s political and economic theories over the 1850s, began only in 1939, after both these figures had died. Many of the notebooks, letters, and journalistic works of Marx, which contain key insights into the development of his ideas through the 1870s, had also not been published, and many remain unpublished. I use the term “Marxian” to gesture towards the fact that “reading Marx” involves a complex and ongoing process of historical, biographical, and theoretical inquiry, and that “reading Marx” is not a simple matter of consuming a set of already fully worked-out theories latent within the canonized editions of his best-known works. I do not use “Marxian” to indicate that saying “Marxist” is somehow wrong, but as a way of drawing attention to the impossibility of locating a coherent “-ism” by simply “reading Marx.”

The Formation of a New York-Based American Industrial Bourgeoisie

This section provides a general and accessible introduction to two interconnected threads: the rising importance of New York City to American capitalism and the rise of a

²¹ The unique value of Heinrich’s work, besides his intimate biographical knowledge of Marx, lies in his willingness to engage in close readings of unpublished manuscripts, “reworking manuscripts” of *Capital* from the 1870s and 1880s, and a trove of other lesser-known documents. These engagements enable Heinrich to update, criticize, systematize, and otherwise refine some of Marx’s most important contributions while advancing important new insights into the historical processes whereby Marx arrived at certain conclusions when he did.

distinct industrial bourgeois class formation in New York City in the postbellum decades. Some familiarity with both historical processes is necessary for an understanding of the story of the COF, even as the very general treatment of this great topic that I offer in this brief section can hope only to review the most basic contours of the subject.

It was not at all inevitable that New York City would become the central place of residence for the nation's most powerful bourgeois class formation. New York's national dominance was predicated on the product of many intertwined processes of political economic transition happening in the nineteenth century. The development of a new system of corporate management—built on a mixture of technological innovations, especially in the areas of communication and transportation, as well as organizational innovations, including the growth of a white-collar managerial workforce blossoming in New York City—enabled wealthy capitalists to oversee systems of production, transportation, and financial organization from a great remove. Additionally, Wall Street banks, investors, and stock traders were growing increasingly important within the circuitry of the international capitalist system in a period when that system was becoming increasingly wedded to the volatile fluctuations of speculative finance.

Between the start of the Civil War in 1861 and the consolidation of the five boroughs into a single entity in 1898, New York City underwent a series of profound transformations. Unchecked population growth dovetailed with rising economic and social inequality. Mansions along Fifth Avenue became home to a rising cadre of bourgeois elites that functioned increasingly as a *national* ruling class, consisting of a relatively broad coalition of middle- and upper-class figures ranging from the fabulously

wealthy to the relatively well-off. It included merchants, financiers, steel barons, judges, railroad tycoons, oil monopolists, university professors, doctors, realtors, lawyers, industrial manufacturers, settlement house reformers, suffragists, clergymen, and a whole host of other individuals in professional and institutional roles which were taking on new meaning in the nation's expanding postbellum economy (Beckert 2001). While from today's standpoint this might appear natural due to the deeply resonant symbolism of New York City as the nation's economic nucleus, at the time this was a major upheaval in the geographic distribution of wealth and economic power that had prevailed during the previous century. Additionally, the decades after the Civil War marked a period of hyper-aggressive Western expansionism (Beckert 2017; Immerwahr Chapters 2–5). America's industrial capitalists and bankers amassed huge fortunes for themselves through this expansion, which was built on the expansion of railroads, telegraphy, mining, and oil industries.

Preaching the “gospel of wealth,” New York's bourgeoisie increasingly embraced the social Darwinist theories of Spencer and Sumner, which held that individuals' relative success flowed from their natural abilities and that the state should not intervene in this “natural” field of economic competition. Yet this outward rejection of class identity did not prevent industrial capitalists from banding together to advocate for their own “right to the city,” to use a term recently re-popularized by David Harvey (2012, 4), effectively *articulating themselves as a class* in powerful ways that reshaped the American economy

substantially in the final decades of the nineteenth century.²² Through participation in an expanding sphere of private activist associations, social clubs, cultural institutions, and reform organizations, white bourgeois elites advanced the realization of their own “modern social imaginary” (Taylor 2003).

Armed with an array of self-serving rationalities, bourgeois New Yorkers began advocating for a society that would cater to the needs of property-owning individuals above all else. They often publicly appealed to the need for a limited state apparatus, arguing that the capitalist economy could produce dramatic social gains only if it were allowed to function under proper conditions of free competition. Yet, despite embracing this strong free-trade position in the sphere of market, New York’s bourgeoisie also collectively recognized that the military and police functions of the state remained vital to the continuation of competitive expansion and protection of their own interests. After all, their ability to accumulate vast amounts of wealth had been enabled by the actions of a strong state, which provided huge subsidies to industry in the latter half of the nineteenth century.

Infrastructural developments were crucial from the start to the city’s rise to economic and political hegemon. New York’s already dense network of ports developed

²² “The right to the city is an empty signifier. Everything depends on who gets to fill it in with meaning ... We inevitably have to confront the question of whose rights are being identified, while recognizing, as Marx puts it in *Capital*, that 'between equal rights force decides.' The definition of the right is itself an object of struggle, and that struggle has to proceed concomitantly with the struggle to materialize it.” Harvey 2012, xv. On nineteenth-century bourgeois New Yorkers’ efforts to assert control over public space, see Scobey 1992. On Tompkins Square Park as an important site of contestation in this process, see Shine 2011.

substantially beginning in the 1820s, and its population nearly quadrupled in size between 1821 and 1855, especially after the onset of famine in Europe in the 1840s. The completion of the Erie Canal in 1821 had over time gradually redirected more and more flows of goods and peoples away from smaller peripheral port cities toward a bustling network of wharves sprouting up along the Hudson.²³

Other major infrastructure projects gradually followed: the Croton Aqueduct (1837), the deepening of the Gowanus Canal (1849), the Brooklyn Bridge (1883), and a vast system of private railways and steamer lines. These and other developments attracted increasingly larger flows of capital into the Hudson. By mid-century, the port of New York had become the most important hinge between the rapidly growing American hinterland, the expanding European commodity markets, and diasporic flows from Europe and the Global South, with more people and goods passing through its docks than all the rest of the nation's ports combined.

The Civil War years importantly marked a moment of rapid, unprecedented expansion of America's productive capacities and territorial holdings (Beckert 2017). Out of this state-directed program of wartime industrial development and the processes of unregulated capital centralization and consolidation that sprung up in its wake emerged a

²³ It was this gradual process of capital redirections to large northern urban ports that led the narrator of Hawthorne's *The Scarlet Letter* to wax nostalgic over the period "before the last war with England, when Salem was a port by itself; not scorned, as she is now, by her own merchants and ship-owners, who permit her wharves to crumble to ruin while their ventures go to swell, needlessly and imperceptibly, the mighty flood of commerce at New York or Boston." Hawthorne 1850] 1898, 8.

powerful new American industrial bourgeoisie with its center located increasingly in New York City (Moody and Turner 1911a; Moody and Turner 1911b).

The so-called Second Industrial Revolution that unfolded after the Civil War would be characterized by ever-increasing competition and uneven cooperation between capitalist nation-states (Desai 2013, 265). And, unlike the first wave of industrial accumulation, this period would be marked by a rising collective class consciousness and organized political activity among the working classes in many capitalist nation-states including the US. The rise of strong industrial labor organizations in urban centers and militant working-class uprisings during this period reinforced the urgency of middle-class calls for substantive social and political reform. Although the Paris Commune of 1871 was quickly and summarily suppressed, it nevertheless signaled a new window of opportunity for international working-class consciousness and the advancement of organized socialist and workerist politics (Thomas 1966; Bernstein 1971; Katz 1998; Gluckstein 2006; Coghlan 2016).²⁴

²⁴ The Commune's impact on life and politics in the capitalist world is difficult to overstate. It not only provided a means for working-class Parisians motivated by "a nostalgia for the urban world that Haussmann destroyed" to seize local power over the city, but also offered a space for the playing out of "conflictual forward-looking visions of alternative socialist (as opposed to monopoly capitalist) modernities that pitted ideals of centralized hierarchical control (the Jacobin current) against decentralized anarchist visions of popular control (led by the Proudhonists)." Harvey 2012, 8. It was also only after the Commune that Marx's tracts on revolution and political economy were finally seriously engaged by intellectuals and would-be revolutionaries in the US—a fact of some import to the history of Marx's reception. See Foner 1972. Interestingly, Marx's work with the *New-York Tribune* in the 1850s and early 1860s made him a relatively well-known journalistic figure in the US. Starting in 1864, his prominent position within the International considerably augmented his reputation across the capitalist world as a radical anti-capitalist thinker, though his pseudo-celebrity status would not be registered

Beckert (1996, 9) summarizes the significance of these broader national and international political economic mutations to class struggles in postbellum New York, after the wartime upheavals and rising forms of militant labor organizing in the 1860s and 1870s “moved the city’s merchants, industrialists and bankers to greater unity and an articulated consciousness of separate class identity”:

Bourgeois social life and politics increasingly manifested a new and greater distance from other social groups—especially from workers whom they perceived as a double threat to their political and economic power. This process accelerated during the depression of the 1870s. As a result, many bourgeois New Yorkers abandoned earlier universalist beliefs and their reluctant wartime support for a state-sponsored social revolution in the South, articulating instead a new liberalism that advocated a limit to the political regulation of markets while demanding an expansion of the role of the state in protecting the owners of property. This social and ideological cohesion, combined with an entirely new scale of economic power, translated into ever growing influence over the state. By the 1880s, bourgeois New Yorkers stood at the heart of the nation’s economic, cultural, and political life.

As Beckert suggests, New York City was already central to the national economy by the time of the Civil War, but its economic significance only expanded in the decades that followed the war. Disturbances and militant forms of working-class politics in the streets of New York were thus increasingly viewed as threats not only to the social order of the city but to the economic security of the nation itself.

The Civil War was part of an international process of political economic upheaval that posed potentially fatal implications for the status quo of British-led industrial capitalism that had dominated over the course of the previous century. The age of British empire was formally crumbling, and by 1870 a new horizon of “multipolarity” was

in the US until the 1870s. See Hale 1957; Borden 1957, 457–65; Chakravorti 1993, 1856–1859; Anderson 2010: 11–3, 31–5, 84–6.

palpable on the world stage (Desai 2013). The double consolidation of American economic and military might fanned the flames of an anxiety-laden pan-European discourse centered on the so-called “American danger,” a discourse which remained central to European expansionist and colonial efforts throughout the Global South from the “scramble for Africa” through the mid-twentieth century (Beckert 2017).

In the 1880s and 1890s, as the urban reform movements which would come to be associated with the “Progressive Era” were taking shape, New York’s bourgeoisie gradually consciously came to embrace a secular, “scientific” politics of social and political reform that balanced humanist concern for some marginalized and over-exploited groups within the urban fabric with strategic efforts to establish social control over the mass of the population to secure economic growth, moral character, and political stability at the level of society as a whole (Peiss 1986, 178; Gilfoyle 1986). Nationally, pursuing their combined interest of securing hegemonic stability and suppressing the rising tide of dissent, capitalists of all stripes banded together through new forms of interest politics to negotiate over the construction of a new regime of governance based on a strong, efficient, “scientific,” and effective regulative state-institutional configuration. The new state formation would be constructed upon dense, existing networks of institutional and personal relationships, which ensured that the scope of reform politics would be kept within a controlled horizon of political possibility that catered to the interests of capitalist society as a whole. These transformations in the state ultimately would serve to extend bourgeois control in important ways, even as the old liberal-mercantile ideals of free trade were sublated by a standard of regulative

protectionism and prices of commodities increasingly determined by the “visible hand of management” operating within huge corporate combinations instead of by traditional competitive market forces (Chandler 1977; Beckert 2001, 326–327).

The years of the Civil War marked the greatest period of colonial encroachment into Native American territory in the history of the United States, achieved via the cruel combination of military might and the systematic manipulation of treaties. The productive demands of the war economy had led to a prodigious expansion in the number of factories, telegraph lines, railways, steel mills, and other infrastructure related to transportation, communication, and industrial manufacturing. Meanwhile, the federal government gifted massive amounts of newly acquired land to the Union Pacific Railroad and a host of other private enterprises devoted to facilitating access to western goldmines. When the conflict was over, British investment in the United States picked up once more, pouring vital support into the young nation’s rail system, which developed extensively between 1866 and 1873 (Pradella 2016, 460).

At the end of volume one of *Capital*, Marx (1976, 940) describes how immigration and capital accumulation developed in tandem in America during the Civil War:

On the one hand, the enormous and continuous flood of humanity, driven year in, year out, onto the shores of America, leaves behind a stationary sediment in the East of the United States, since the wave of immigration from Europe throws men onto the labour-market there more rapidly than the wave of immigration to the West can wash them away. On the other hand, the American Civil War has brought in its train a colossal national debt and, with it, a heavy tax-burden, the creation of a finance aristocracy of the vilest type, and the granting of immense tracts of public land to speculative companies for the exploitation of railways, mines, etc. In short, it has brought a very rapid centralization of capital.

The construction of this extensive system of railroads and mines was in many cases realized via the ready availability of Chinese and Irish immigrant laborers, who toiled for long hours under brutal working conditions while suffering from abject poverty and absolute political voicelessness. The expansion of speculative investment in mining, oil, and transport business enabled an unprecedented wave of private capital accumulation, which, in concert with the federal government's lack of enforceable policies regulating finance, in turn enabled a process of oligopolistic consolidation and centralization of capital into the hands of a small number of property owners. After Custer's 1874 expedition verified the presence of gold in the Black Hills of South Dakota, the Union hastened its theft of tribal lands, eventually passing the Dawes Act in 1887 and the Curtis Act of 1898, which dissolved tribal governments, divided land allotments on reservations among individual private owners, and forced the sale of some 90 million acres of cheap, "surplus" land outside of the reservation allotments in the Great Plains to non-Native settlers, railroad companies, and mining speculators.

As the century drew to a close, New York-based industries and merchants turned more and more to international markets as a means of stabilizing the industrial economy, which was already showing signs of a mounting crisis of overproduction as the nation's commodity output overran its largely destitute working-class population's capacity to consume. Railroad magnates like Jay Gould and Grenville M. Dodge, financiers like J.P. Morgan and William R. Grace, and petroleum monopolist John. D. Rockefeller, Sr., all took up substantial investments in Latin American economic ventures, where New Yorkers had a more competitive stance as compared with Asian markets, from which

they had been shut out almost entirely by dominant British and German competitors (Burrows and Wallace [1999] 2000, 1210–1211).

During the Civil War, Napoleon III dispatched French forces to secure Mexico for the Second Empire in flagrant disregard for the geopolitical posturing of the United States, which had rhetorically maintained since the publication of John Quincy Adams's Monroe Doctrine of 1823 that any European encroachment upon American territories would be treated as a *de facto* act of aggression against the Union itself. Bonaparte's assault on Mexico initially included support from the belligerent British warlord, Lord Palmerston, and the Spanish crown alike. In November of 1861, Marx (Marx and Engels 2010, 71) characterized the invasion as "one of the most monstrous enterprises ever chronicled in the annals of international history," with the main interest for France being its value as one "among the many irons which, to amuse the French public, Louis Bonaparte is compelled to always keep in the fire." Given the outbreak of the Civil War as well as the relative inferiority of its naval forces as compared with those of the major European powers, the US was in no position to enforce the Monroe doctrine, and thus had to watch idly as the Second Mexican Empire was established in its backyard. Yet by 1870 the international situation had changed substantially; the Second Empire now lay in tatters, with its ambitious Mexican experiment having been crushed years earlier by popular uprising, its armies now routed by Bismarck, its fraudulent leader fallen into enemy hands, and its capital city soon to be embroiled in the revolutionary flames of the

pétroleuses.²⁵ Moreover, the US military apparatus had grown rapidly in the years after the Civil War, and it would soon be capable of asserting itself as the dominant contender capitalist power against entrenched European interests in the region. On the back of this growing military might, American industrialists sought new export markets and other avenues of foreign investment. By the 1890s, imperialist interventions and raids in Latin America and the Caribbean were becoming increasingly central to the process of securing the legitimacy of the federal government and the industrial bourgeoisie, whose speculative reflexes and all-against-all mentality were becoming linked in the public imagination to the increasingly precarious and unequal social conditions faced by the great mass of the urban population (Burrows and Wallace [1999] 2000:1209).

In the “filibustering” campaigns conducted in the 1850s by the likes of William Walker and renowned New York City pugilist and Tammany “short-boy,” James E. Kerrigan, American adventurers plundered regions in the Caribbean and Central America in the hopes of annexing territory for the United States government and receiving a sizable reward in the process (Anbinder 2001, 275–276). These informal efforts at conquest passed over into official national strategy in a big way in April 1898, when amidst a rising tide of anti-Spanish propaganda emanating from the popular yellow journalism of Joseph Pulitzer’s *World* and William Randolph Hearst’s *Journal*, the United States military invaded Cuba and waged a ten-week campaign of destruction against the undersupplied imperial forces. The conflict was highly imbalanced, but

²⁵ This term was used in antagonistic media accounts to refer to conspiratorial, kerosene-wielding female *communards* supposedly intent on burning Paris to the ground. Their actual existence is doubted by most modern historians. See Thomas 1966, 165–168.

despite its brevity and the relatively small number of casualties from fighting, the human cost of the war was enormous due to the onset of diseases like typhoid, yellow fever, and malaria, which laid low some 5,000 soldiers and rendered thousands more bed-ridden in a large quarantine site at Montauk Point for months after the invasion (Burrows and Wallace [1999] 2000, 1217).²⁶

The US thus entered the “long twentieth century” adorned in the trappings of empire (Arrighi 1994).²⁷ Unlike the UK, which had been the first imperial industrial capitalist country, and was therefore able to secure dominance over a “unified” world economic system that was “a creature of its own capitalist expansion,” the US’s emergence at the end of the nineteenth century was as a ‘contender state’ among others, including Japan and Germany, whose industrial development was achieved by “fracturing

²⁶ Several New Yorkers benefited directly from the adventure in Cuba. Chief among them was Teddy Roosevelt, whose reputation for heroism at the head of the Rough Riders afforded him much political capital in the years following the conflict. The establishment of Cuba as a protectorate of the United States opened the door for a massive expansion of business interests in the region, including most notably the transformation of the New York City-based Sugar Trust, controlled by the Havemeyer family, into the Cuban American Sugar Company, which quickly became owner of the world’s largest sugar plantation. The treaty signed with Spain also afforded the United States *de facto* control over Puerto Rico, Guam, and the Philippines, setting the stage for the annexation of Hawaii in 1898 and the transfer from France of control over the Panama Canal region in 1904. Burrows and Wallace [1999] 2000, 1217–1218.

²⁷ A 1902 illustration by Udo J. Kepler provides a classic contemporary representation of America’s presence as a military and industrial contender state at the turn of the century. The image depicts a titanic, forward-facing, and upright J. P. Morgan with a massive cornucopia overflowing with locomotives, telegraph lines, and steel battleships tucked under his arm, walking across the globe as the British king and the German emperor, seated on their thrones, are shoved unceremoniously to either side of his long stride. Udo J. Kepler, “Commercial Might Versus Divine Right,” *Puck*, Vol. 51, No. 1316, May 1902, <https://www.loc.gov/pictures/item/2010652000/>,

[the] unity” of the Old world order and challenging the UK’s role as global hegemon (Desai 2013, 79–80). The construction of this strong contender state formation produced the conditions for the centralization and consolidation of capital into the hands of a small number of wealthy speculative financiers, largely based in New York City (Moody and Turner 1910; Beckert 2001). When railroad giants, high off the enormous gains of the 1860s, eventually overextended themselves in a fury of speculative growth that far outstripped demand, the economy collapsed spectacularly in 1873. In the wake of this crash unfolded a massive turnover and consolidation of capital as a considerable percentage of the nation’s banks, insurance firms, and railroad companies, large and small, collapsed under the strain of the sudden upheaval. The new cadre of industrial capitalists who rose from the ashes—many of whom would eventually choose to move in to the newly-constructed luxury mansions along Fifth Avenue—enjoyed a significant boost in political influence. Yet, importantly, this swift consolidation of capital and, at least apparently, political influence into the hands of a few individuals signaled an overt coercion between the state and the capitalist class, triggering a crisis of legitimacy that began to express itself powerfully as a series of popular struggles over scandalously low wages, the length of the working day, the general lack of workplace standards and work-age restrictions, the extension of suffrage to all or some working men and women, and other related concerns flowing from the advancing contest between increasingly organized labor and capital.

Progressive Reform and Social Reproduction

For it is not enough to guarantee labour-power the material conditions of its reproduction if it is to be reproduced as labour-power.... As a result of the

development of the productive forces and the type of unity historically constitutive of the productive forces at a given moment, labour-power must be (diversely) skilled.

—Louis Althusser 2014, 50

The Committee of Fourteen was involved in so many initiatives and connected with so many Progressive social scientific, religious, charitable, and good-government reform organizations and efforts that any full accounting of the group's institutional, cultural, ideological, and political origins is rather difficult if not impossible to provide in a short space. By cultivating and participating in projects of “moral reform” informed by modern sciences like eugenics, psychology, economics, sociology, penology, social hygiene, and athletics, turn-of-the-century reformers engaged in a sphere of contestation that should be understood as a significant “dimension of welfare capitalism” (Johnson 2007, 33).

By “welfare capitalism,” I mean the discourses, institutions, and practices within developed bourgeois society that try to tame or guide the profit-drive according to certain standards of work and living conditions. Welfare capitalism usually involves the use of state disciplinary interventions or subsidies in order to achieve a relatively more benevolent distribution of wealth, advance the “public welfare,” and shore up any perceived insufficiencies or weaknesses in the working population. The field of welfare capitalism encompasses an assemblage of social, cultural, and political concerns related to the maintenance and preservation of the labor force and the guaranteeing of labor's adequate disposability to the demands of capital. In the context of American cities in the Progressive Era, the struggle over welfare capitalism involved the following areas of consideration and policy development, among others: cultivation and/or disciplining of

the work capacities (often colloquially referred to as “efficiency”); Devine 1905a),²⁸ attitudes, and life aspirations of the working population through childhood education, industrial training, sexual education, and the promotion of “efficiency in living” and/or economical methods of household management (Blackwell 1884; Simkhovitch 1902, 194; Kellor 1906; Simkhovitch 1910; Taylor 1910a; Addams 1912a; Snow 1913; Honolulu Social Survey 1914, 38–40; Miner 1915, 409; Simkhovitch 1917a, 257; Simkhovitch 1917b, 60–83); establishment of controls over the malign and/or unaccountable power of “trusts” and ending business practices seen as anti-competitive (Seager 1911; Seager 1912b; Seager 1912c; Rockefeller 1915; Seager 1915; Alger 1921; Alger 1930b; Keire 2001); management of “race relations” and monitoring social interactions across the “color line” among the working population (Boas 1905; Kellor 1905; Ovington 1905; Du Bois 1905; Waring 1905; Boas 1910; Du Bois 1911; Addams 1912c; Sacks 2006, 23–27); provision for adequate healthcare, childcare, and elderly care, including state management of “venereal disease” (Blackwell 1882; Ditman 1910; Simkhovitch 1917a; Miller 2008; Stern 2018); provision for cost-effective social “care” for (or, as many advocates favored, sterilization and/or social isolation of) “mental and physical defectives,” or so-called “unfit” classes of persons, by state and civic institutions (“Public Care of Dependents and Defectives” 1907; Fisher 1913; Roosevelt 1914; Miner 1916, 45–50, 266–271; Ellis 1923; Gosney and Popenoe 1929; Allen 1986; Reilly 1987;

²⁸ Florence M. Marshall, “Efficiency the Cure,” *Sun* (New York), March 16, 1913, 6, <https://chroniclingamerica.loc.gov/lccn/sn83030272/1913-03-16/ed-1/seq-75/>; “Minimum Wage for All Workers,” *Maryland Suffrage News* (Baltimore), January 9, 1915, <https://chroniclingamerica.loc.gov/lccn/sn89060379/1915-01-09/ed-1/seq-6/>.

Leonard 2005; Leonard 2016; McKinnon 2021);²⁹ erection and enforcement of industrial regulations, especially for working women and adolescent workers, advocating for an improved “standard of living” for workers, and improving the “low moral tone” prevalent in many urban factories (MacLean 1903; Devine 1905b, 29–46; Miner 1907, 907–908; McDowell 1907; More 1907; Alger 1909; Chapin 1909; Kingsbury 1910; Kelley 1912; Van Kleeck 1913; Miner 1916, 259; Simkhovitch 1917b, 42–60, 84–107; Ogburn 1919; McCammon 1995); improvement of regulation and inspection of transportation infrastructure by licensing authorities, better moral supervision of passengers, and prevention of major industrial “accidents” like the *General Slocum* in 1904 in New York and the *Eastland* in Chicago in 1915 (Devine 1905b, 412–470; Bowen 1916, 4);³⁰ identification of exploitative commercial practices and enforcement of consumer protections against fraud, harmful products, police corruption, municipal inefficiency,

²⁹ New York City probation officer and COF member Maude Miner was one among many eugenics-minded progressive reformers to emphasize the perceived economic and social burdens brought on by the “evils” of “feeble-mindedness,” “bad inheritance,” and “vicious heredity,” arguing ultimately that “large numbers of mentally deficient girls and women” would continue to become prostitutes and criminals unless society could effectively “safeguard these girls and prevent them from having offspring.” Miner 1916, 267. The COF’s Mary Kingsbury Simkhovitch shared personal and institutional links by way of her husband (a Columbia economic history professor) and Greenwich House with Henry Rogers Seager, a prominent Progressive economist at Columbia who helped popularize the idea that disemployment of “mental and physical defectives” caused by minimum wage legislation would serve a eugenic benefit. Seager 1913, 10. On the influence of eugenics-infused economic theories on the policy recommendations of leading urban progressive social reformers, see Leonard 2005; Bernstein and Leonard 2009; Leonard 2016.

³⁰ “Slocum Disaster Report,” *New York Tribune*, October 17, 1904, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1904-10-17/ed-1/seq-1/>; “Excursion Season in Full Blast,” *New York Tribune*, June 21, 1908, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1908-06-21/ed-1/seq-61/>.

and graft (Godkin 1895; “The Lexow Committee” 1895; Godkin 1897a; Felt 1973; Gilfoyle 1986);³¹ increasing access to safe and “clean” forms of amusement for the mass of the urban working population (Israels 1909; Spingarn 1909; Lee 1910; Israels 1912; Committee on Amusement Resources for Working Girls 1912; Gulick 1912; Bowen 1914; Edwards 1915; Bowen 1916; Hart 1919; Alger 1925; Rosenzweig 1983; Perry 1985; Peiss 1986; Mumford 1997; Clement 2006; Kahrl 2008); increasing workers’ access to employer and/or state-sponsored social, unemployment, life, and accident insurance (Brandeis 1907; Henderson 1907; Alger 1907; Seager 1907a; Addams 1910, 18; Frankel 1910; Seager 1912a; Kennaday 1913; Gordon 1992); organizing of trade unions, building of minimally disruptive protocols of arbitration, and ensuring of equal treatment before the law in industrial disputes (Peters 1902; Seager 1907b; Moskowitz 1916; Seager 1919; Kellor 1934); crime prevention and the production of “public safety” through policing of “commercialized vice” (especially prostitution and/or “white slavery”) and institutional and/or penal management of public sexuality, especially of white ethnic and Anglo-Saxon immigrant workingwomen and adolescents (Moss 1895; Committee of Fifteen 1902; Baldwin, Kellor, and Simkhovitch 1910; Taylor 1910b; Addams 1911a; Addams 1911b; Kneeland 1912; Taylor 1913; Woods 1913; Kneeland 1913; Turner 1913; Kneeland 1916b; Lane 1916; Miner 1916; Fosdick 1920; Hoover 1933; Gilfoyle 1986; Walkowitz 1992; Fronc 2006; Robertson 2009; Keire 2010; Pliley

³¹ “Uprising Against Platt,” *New York Times*, January 25, 1895, <https://nyti.ms/3yvvnPG>; “Beginning of the City Club,” *New York Times*, February 10, 1895, <https://nyti.ms/3P0Ex7G>; “For the Police Reorganization,” *New York Times*, February 10, 1895, <https://nyti.ms/3ywhtCo>.

2016); regulation of housing and workplace conditions through enforcement of building and fire codes and the like (Veiller 1911; Parrish 1911; Veiller 1912; Lubove 1962); organized distribution of information related to vocational training and employment opportunities for women and girls, combined with the systematic policing of phony employment bureaus, predatory employers, corporate dishonesty, and fraudulent job advertisements (Baldwin, Kellor, and Simkhovitch 1910, 130–135; Kellor 1914; Fosdick 1917; Alger 1930b, 735–737);³² management (and/or restriction) of immigration flows and securing of an ideal geographical dispersal of the immigrant labor force to meet the demands of capital (Kellor 1915; Kellor 1921); maintenance of selective aspects of folk traditions and leisure forms of the immigrant industrial working classes deemed morally, culturally, and physically beneficial (Lee 1910; Simkhovitch 1917b, 4; Alger 1925, 485; Walkowitz 2010); and maintenance, cultivation, and/or reproduction of the patriarchal family form under pressure from shifts in the social division of labor wrought by industrialization, particularly the entry of more and more women and adolescents into the sphere of industrial waged labor (Lindsay 1907; Simkhovitch 1910; Leonard 2005; Johnson 2007). Strategically, although Progressive individuals and civic organizations sometimes overlapped in goals, each would typically specialize in a particular area of expertise and action and would coordinate with other Progressives primarily to advance a relatively narrow set of objectives (Fosdick 1917).

³² In the eyes of many of New York’s leading Progressive reformers, erection and enforcement of laws related to fraudulent employment bureaus and phony help wanted ads was necessary “to protect the unemployed from being used to fill the ranks of prostitutes.” Baldwin, Kellor, and Simkhovitch 1910.

New York City's Progressive reformers participated in all these major arenas of contestation associated with welfare capitalism and intervened in dynamics of "social reproduction" —that is, of the reproduction of the population's capacity to labor and live according to certain civilizational standards— in the process. In working collectively to shift the responsibility of care and protection from private individuals onto institutions of the state and civil society in all of these various areas, Progressives worked to develop an institutional configuration capable of ensuring the smooth reproduction of the industrial population, stabilizing capital-labor relations perceived to be wheeling out of control, and thereby protecting the economic and political interests of the nation.

Some Progressives emphasized that while American women and girls entered the labor force as never before at the turn of the twentieth century, they were often unable to secure long-term employment, instead being forced to take up low-paid, seasonal work in service industries at much-reduced wages (MacLean 1910, 164, 177; Miner 1915, 409–10; Simkhovitch 1915).³³ Moreover, in New York and other major American cities, wage relations remained gendered and conceptually framed around the patriarchal notion of "the family wage" (Simkhovitch 1915, 414; Whitin 1915; Simkhovitch 1917b, 95; Gordon 1992, 47; Leonard 2005, 753). This basic reality circumscribed everyday life and leisure culture for many working women, even as women were increasingly incorporated into the industrial work force in ways that meant the conditions of female autonomy in

³³ "The Girl on the Industrial Firing Line," *Golden Age* (Atlanta), February 9, 1911, <https://chroniclingamerica.loc.gov/lccn/2020233210/1911-02-09/ed-1/seq-10/>; Porter 1914, 453; Lucy Huffaker, "Is Ours the Responsibility for the '\$6 per'?" *New York Tribune*, December 6, 1914, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1914-12-06/ed-1/seq-29/>.

public life were developing in some important respects. As Kathy Peiss (1989, 109), Elizabeth Clement (2006, 75) and others have argued, many working women of working-class immigrant families gained limited access to the city's blossoming nighttime amusements only by engaging in "treating" culture, a highly varied and negotiated form of normalized sexual commerce or barter in which women provided sexual gratification or performed other forms of reproductive or "emotional" labor in exchange for male generosity, expressed in the form of a gift, cab fare, theater tickets, drinks, and/or other like forms of amusement-related expenditure. Progressive reformers, social workers, sociologists, private investigators, and settlement house workers sympathized with the situation facing working girls and women, even as they also tended to support more encompassing forms of surveillance and harsher punishments for seasoned offenders deemed "unreformable" hazards to the public welfare (Israels 1909; Kneeland 1913; Whittin 1914). Moreover, Progressive activists understood that working women and girls who "treated" did so for perfectly understandable and legitimate reasons. In the words of Mary Kingsbury Simkhovitch, it was "silly, not to say criminal, for" society to expect "that girls are going to starve or go without decent clothes or deprive themselves of all pleasures" —pleasures that were after all "not only ... their right but ... a racial necessity." It was, said Simkhovitch, summarizing a standard view among leading amusement reformers of the 1910s, because women and girls were "too normal to deprive themselves of their rights in the world" that "their perfectly innocent love of pleasure" was "transmuted through gradual corrupting relationships into a life of degradation" (Simkhovitch 1910, 86). While most women did not take up formalized practices of

sexual labor, such as brothel-style or streetwalking sex work, many did turn to less traditional forms of sexual or social-intimate exchange as a means of supplementing low wages and employment instability, and Progressives were bothered about the long- and short-term implications of this situation for “the girl,” for the firmness of the industrial family form, for urban social order, and for the present and future work capacities or “efficiency” levels of the mass of the population.

Many of the COF’s members had previously been, were, or subsequently went on to become prominent voices within this multifaceted Progressive field of discourses and practices of early twentieth-century American welfare capitalism. COF members cooperated with police, building, fire, and excise departments, court officials, commercial associations, and civic authorities to investigate and identify corrupt practices in business and government (Peters 1908, 96; Peters 1918, 365),³⁴ fight to establish legitimate employment bureaus and eliminate fraudulent advertisements and phony employment agencies (Baldwin, Kellor, and Simkhovitch 1910, 130–135; Chicago Vice Commission 1911, 118–221; Addams 1912b, 474; Kellor 1914, 913),³⁵ validate or dispute the findings

³⁴ On cooperation with the Building Department, see “Will Continue Fight,” *New York Tribune*, April 12, 1906, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1906-04-12/ed-1/seq-8/>.

³⁵ Settlement house worker and former COF member, Frances Kellor, argued the following in 1914, for example: “The industrial labor market must be organized.... Private employment agencies charging fees must be replaced by municipal and State agencies with central registries and daily bulletins of unemployment and opportunities, all welded together through a Federal bureau of distribution. We have no knowledge, nor means of getting it, of the movement of unskilled labor. In this connection there should be a study of casual and seasonable labor and efforts made to dovetail employments or so organize industry that these evils will be reduced.” Kellor 1914. See “Agent Law Amendments: Miss Kellor’s Views,” *New York Tribune*, February 7, 1905,

of other anti-vice and social reform organizations (Simkhovitch 1911; Miner 1911; Whitin 1911), influence the national strategy for managing the geographical distribution and employment of the nation's immigrant population (Kellor 1911; Kellor 1915; Simkhovitch 1917b, 18–19, 48),³⁶ preserve the heteropatriarchal family form,³⁷ limit and/or guide women's workplace participation with an eye towards their primary role as "mothers of the race," and reinforce the vigilant systems of surveillance among parents and other adults over young people (Miner 1915, 410; Reynolds 1915, 412; Simkhovitch 1915, 414; Whitin 1915, 416; Simkhovitch 1917b, 95),³⁸ locate and/or care for adolescent "runaways" and foundlings (Miner 1916, 10–12, 24–25, 271–273, 292; Hadden 1968,

<https://chroniclingamerica.loc.gov/lccn/sn83030214/1905-02-07/ed-1/seq-1/>. Kellor was a major influence in the Progressive and "Americanization" movements and helped draft the platform of the Progressive Party of Theodore Roosevelt in 1912.

³⁶ "[T]he immigrants are the country's wards and as such must be warned against dangers, kept from exploitation, educated to become valuable citizens, and furnished with information as to where the most suitable labour is found, and, where desirable, must have practical help in getting away from the great overcrowded centres into the country, or other less crowded semi-urban districts." Simkhovitch 1917b, 19.

³⁷ In the words of vice inspector George J. Kneeland, who collaborated with the COF for a time, it was the duty of reformers to use their powers to provide amusements in which "the sex appeal is eliminated" and to secure improved economic conditions for wage earning families "so that fathers can be masters in their own homes; so that young men can marry early in life." Boys and men should be encouraged to "realize that young girls represent more than half of all future generations; that upon them depends the health and power of the race; that to injure a girl, take advantage of her racial instinct at a critical moment is a crime against unborn generations." Kneeland, quoted in "Asks Women to Aid Girls in Vice Peril," *New York Times*, June 17, 1914, 3, <https://nyti.ms/3wj7pkU>.

³⁸ "Why is it necessary for married woman to work? Because the husband does not earn enough to support her and their children.... The church does not protest against their immoral exploitation;" John P. Peters, quoted in "The Rev. J. P. Peters Flays the Church," *New York Times*, June 7, 1911, <https://nyti.ms/3qcfNyw>.

89–110; Miller 2008),³⁹ publicize the non-enforcement of hours laws regulating child labor and encourage parents and other adult guardians to provide more aggressive supervision over children (Baldwin, Kellor, and Simkhovitch 1910, 126–129),⁴⁰ advocate improved working conditions for houseworkers so as to protect the “mothers of the race” while inspiring working women to “prefer the domain of the home to that of the factory and the shop” (Keller 1906, 41), combat the “evils of the housing of the industrial family” (Simkhovitch 1917b, 25), encourage representatives of organized capital and labor to act more beneficently towards one another (Peters 1902), popularize the notion that it was “good business” for enterprises to participate in the suppression of “vice” (Peters 1918, 367), influence New York State’s ill-fated early minimum wage debate (Miner 1915; Simkhovitch 1915; Whitin 1915; Miner 1916, 259–260; Simkhovitch 1917b, 90–95),⁴¹ reshape and oversee court procedures and patterns of punishment in prostitution and disorderly house cases (Whitin 1914; Whitin 1923; Reynolds 1923a), educate women in household management and/or economy in living and protect their

³⁹ Maude Miner Hadden, “The Runaway Girl of Today: A Problem and its Solution,” *New York Times*, November 19, 1933, <https://nyti.ms/3teK69g>.

⁴⁰ “Dr. Peters Warns West Side Parents,” *New York Times*, February 10, 1913, 8, <https://nyti.ms/3HNCOpZ>.

⁴¹ “P. S. Straus Opposes Haste in Wage Laws,” *New York Times*, February 11, 1915, <https://nyti.ms/3tgWCGn>; “The Annual Banquet,” *Dry Goods Economist*, February 13, 1915, <https://hdl.handle.net/2027/umn.31951d00341312m?urlappend=%3Bseq=584%3Bownerid=13510798903371890-588>; “Dr. Hart Discusses Dependent Children,” *Bridgeport Evening Farmer* (Connecticut), January 3, 1916, <https://chroniclingamerica.loc.gov/lccn/sn84022472/1916-01-03/ed-1/seq-6/>.

perceived natural aspiration to pursue marriage and motherhood at a young age (Kellor 1906; Whitin 1915; Johnson 2007),⁴² and protect the future “mothers of the race” by monitoring and minimizing the dangers of moral and physical “contamination” and sexual danger perceived to be lurking within the city’s commercial leisure and living environments (Hazard 1907; Baldwin, Kellor, and Simkhovitch 1910, 60–77, 93; Israels 1912; Miner 1916; Simkhovitch 1917b; Peters 1918; Reynolds 1913; Reynolds 1923b; Whitin 1923; Barbuto 1992, 160–165; Archer 2011, 329–240).

By intervening in these and other areas of Progressive moral and social reform, COF members and the COF as an organization influenced, studied, criticized, and transformed the structures of social reproduction necessary for the continual generation of a sufficient mass of social labor-power—all the commodified labor available for exploitation—of sufficient quality, for the securing of a certain standard of living within capitalist relations that shields to some extent the moral, cultural, and physical welfare of the mass of the population, as well as for the fulfillment of the bourgeois state’s practical need to regulate and minimize costs associated with governance.

⁴² Maude E. Miner, letter to the editor, “Girls’ Service League,” *New York Times*, February 8, 1929, <https://nyti.ms/3MefWKc>.

CHAPTER TWO: THE SUBSTANCE OF CLASS

*'Tis very true, my grief lies all within;
And these external manners of laments
Are merely shadows to the unseen grief
That swells with silence in the tortured soul;
There lies the substance.*

—William Shakespeare, *The Life and Death of King Richard the Second*

The hired man may still eat at the same table with his employer, the iron worker may still become a master of iron and of gold, the factory hand may yet become the boss. For relatively speaking our country is still a classless land. But it would be an affectation to pretend that in the large this is as true today as it was yesterday or that it may be as true to-morrow as it is to-day.

—Mary Kingsbury Simkhovitch 1917b, 1

What kind of “substance” is class in modern industrial capitalist societies? To what do I refer when I use the term “class” throughout this dissertation? What role does the bourgeois state play in relation to class and class struggle? Answers to these fundamental questions must first be provided before any adequate discussion of the Committee of Fourteen as an institutional space or “forum” for “class composition” can commence. I provide a discussion of my approach to class in this first section of the chapter. In the second section, I tie this theory of class up with an analysis of the “bourgeois state” —an abstraction existing at the intersection of governmental and civil society authorities in industrial capitalist society. In the remainder of the chapter, I discuss some of the ways the COF can be understood as a “class project” —that is, as an institutional forum for capitalist class composition, for the evaluation, enunciation, and

enactment of the class interest. I emphasize the COF's attempts to "make vice unprofitable" by conditioning access to capital, identifying specific and society-wide causes for social harm, and distributing effective punishments capable of altering industrial and commercial behaviors, its interventions into the methods and institutional practices and structures of law enforcement, its anxiety as to the implications of "bad" or "degenerate" forms of recreation for social reproduction, and its various ambitions to offer the mass of the working population "rational" alternatives to the inadequately supervised sphere of cheap commercialized amusements.

Marx treated class as both a "structural" category referring to "positions within the social process of production," such as "property owners" and "workers possessing only labor-power" —positions not at all determined by the "consciousness" or intentions of individuals—and a historical category, one used to describe the attitudes, organizations, and actions of actual, flesh-and-blood class formations existing in the world (Heinrich 2012, 90). In market societies where individuals are treated systematically as free and equal persons with private property rights, "class," both in its "historical" and "structural" senses, is not constituted through narrow or obvious mechanisms of domination or control. This is one of the ways in which class relations in capitalist societies differ from those in non-capitalist societies with class relations, such as feudal or slave-based societies. Further, the objective, "structural" class situation underlying capitalist society does not inevitably imply the existence of historical class "formations" or "consciousnesses." Under the strict structural definition, a person can vacillate between money-capitalist and wage-laborer over the course of a given day,

depending on the sorts of activities they engage in in that interval. In this sense, Marx's structural analysis of class affords a basic theory of economic roles as defined via forms of action in the social world. Persons are thus unimportant to Marx's analysis of class's existence in the "structural" sense since actual living persons and entities can inhabit multiple structural class positions.⁴³ What takes the focus instead in that analysis is how economic agents, through the form of their behaviors within the market, at the office, and on the factory floor, personify abstract economic forms of motion collectively so as to adequately satisfy the fundamental demands of capitalist social reproduction.

In capitalist society, the experience of class is thus uniquely fragmented in the minds of the population, which is treated as a collection of "free and equal" individuals in a sense that was impossible under conditions of class rule existing before the rise of capitalism. Hence, "consciousness" of one's objective class position does not emerge automatically from one's structural location or arise organically from experiences of everyday life but must rather be continually cultivated. This process of cultivation is advanced through the collective activities of many different kinds of individuals and institutions, not just through the efforts of organized employers and employees.

Class is often treated by critics and proponents of capitalism as a static metric that can be reliably measured via income, education level, or some other proxy. Class in this case is treated as a flat outcome, a stand-in for these proxy effects, not something external that offers them context or produces them. Here, class is an effect, a distributional

⁴³ "Thus play I in one person many people, And none contented." Shakespeare, *The Life and Death of King Richard the Second*.

outcome that can be measured and verified. That class is a process of contestation, an agency-laden force in the world that ensures the production and reproduction of the polarized concentration of wealth and power, all but disappears in such an approach, which considers class as essentially a fixed attribute of an object or subject.

On the other hand, class *struggle* is often framed as always-already a revolutionary process, much the way Marx's consideration of class struggle is often understood to amount to an "inevitabilist" account of inexorable historical and technological forces.⁴⁴ Class struggle in democratic capitalist societies is often seen by readers of Marx to connote revolutionary struggle against the liberal state, which is in turn conceptualized as an unproblematic instrument of bourgeois rule. Every instance of class struggle in this view may secretly be *the* key, the weak link in the chain, that could inevitably lead to the awakening of the dormant revolutionary subject and the subsequent overthrow of the capitalist class (usually imagined as a fixed and non-problematic assemblage with singular values and goals) and in the conversion of the state from an instrument of bourgeois rule, what Marx and Engels in the *Communist Manifesto* somewhat simplistically labeled the "committee for managing the common affairs of the whole bourgeoisie," into a democratic apparatus of communist rule (Marx and Engels [1848] 1888).⁴⁵ Among Marx's readers this view is sometimes rooted in the belief that

⁴⁴ Zuboff, for example asserts that "[t]here are hundreds of passages in Karl Marx's writing that convey his inevitabilism" without acknowledging that Marx gradually and decisively departed from such views during the final decades of his life; Zuboff 2019, 222.

⁴⁵ Marx's theories of class and class struggle developed considerably between this moment and his death in 1883, particularly after certain world-historical events, such as

the “critical and revolutionary” essence of Marx’s dialectical method of inquiry is a reflection of the historical inevitability of the end of capitalism, an end *necessarily* realized by a flesh-and-blood revolution that will successfully liberate the world from the fetters of wage-slavery and commodity production (Marx 1976, 102–103).

Besides the basic theoretical insight that the outcome of human history cannot be reliably determined in advance, this framing misses an important aspect of class struggle that Marx emphasized: namely, that the dynamics of class struggle generally function to *stabilize*, not disrupt or destroy, the capital-labor relation itself, that is, they work to ensure the reproduction of the basic social conditions necessary for capitalist society to continue to exist into the future.⁴⁶ Further, historically speaking, class contests unfold across numerous sites and are not confined to a single area of contestation, such as the workplace. Through these many-sited struggles the two great class formations are perpetually composed and recomposed, usually along with an array of internal

the 1848 revolutions in Europe, the Panic of 1857, the American Civil War, and the eruption of the Paris Commune. I draw upon the insights of Marx scholar Michael Heinrich at many points in this dissertation, whose work clarifies and extends the implications of Marx’s critique of political economy for a broader analysis of “the state and politics as social forms.” Heinrich 2012, 199.

⁴⁶ Marx did not always hold this view but rather came to it as his grasp of economics developed over time. In the *Grundrisse*, for example, which was written 1857–1858, there is a passage in which Marx concludes that the development of technology will lead to a deconstruction of the foundations of capitalist relations. In *Capital*, by contrast, armed with the theory of surplus-value and other insights he did not have when writing the *Grundrisse*, he presents a theory in which neither the advance of machinery generally nor the increasing separation of the mental capacities involved in production from the workers poses any theoretical threat to the production of value. Heinrich 2013, 211–212.

fragmentations and contradictions. Indeed, “class in the Marxist sense is forged through struggle itself” (Mueller 2021, 16).

Whereas Mueller (103) stresses machine breaking as “an ingredient in the roiling stew” of working-class composition, in this dissertation I foreground the development and application of techniques of surveillance, morals policing, and population-level discipline as elements in the “stew” of capitalist class composition. By “composition,” I mean to connote the mixing and remixing processes that generate historical class formations capable of articulating and/or implementing interests held in common.

Class, at least in the “historical” meaning of the word, is not a fixed attribute of a thing or person. As with value, class in the Marxian view is a *social substance* and cannot be easily comprehended through surface appearances.⁴⁷ Its content, like that of value, is not immediately visible as an inherent property of a thing but can only be indirectly represented and recognized by observers. Class’s substance, *composition*, can only be identified via inquiry into a wide range of strategic, discursive, economic, and political contests and collaborations unfolding between a large assortment of institutions, enterprises, government agencies, civic societies, charity and religious groups, labor organizations, reform societies, legislative bodies, industrial combinations, regulatory agencies, and so on.

⁴⁷ “Not an atom of matter enters into the objectivity of commodities as values; in this it is the direct opposite of the coarsely sensuous objectivity of commodities as physical objects.” Marx 1976, 128.

The substance of class has no single form of appearance, mode of representation, or terrain of existence in the history of market societies. Like the analytic tools used to apprehend its chimeric, wraith-like being, class exists at once across numerous levels of abstraction. Its existence is caught up in a mass of living, evolving processes and relations and is spread across a constantly shifting landscape. Its substance can thus only be uncovered through investigations into the living tangle of interactions through which its presence in the world is at once sowed and rendered detectable. Adequate apprehension of class in the Marxian sense requires an appreciation of the patchwork assemblage or *totality* of conditions that form the basic conditions of its existence in the world—that is, the irreducible web of social, technological, environmental, mental, commercial, temporal, financial, legal, juridical, political, institutional, and productive and reproductive relations without which the basic class division upon which value relations in capitalist society is founded could not continue to exist (Harvey 2010).⁴⁸ This helps explain why Marx planned to discuss class only at the very end of volume three of *Capital* instead of at the beginning: the development of his understanding of economic theory while living in London beginning in the 1850s led him to conclude that the complete tapestry of value relations—production, exchange, social reproduction, interest and credit, ground rent, and so on—had to be reckoned with before the substance of class relations in capitalist society could be adequately apprehended.

⁴⁸ “Technology reveals the active relation of man to nature, the direct process of the production of his life, and thereby it also lays bare the process of the production of the social relations of his life, and of the mental conceptions that flow from those relations. Even a history of religion written in abstraction from this material basis is uncritical.” Marx 1976, 493–494.

Class struggles in capitalist society are not “determined” in advance by clearly identifiable economic forces that can be predictably distinguished from social, political, and cultural forces. Class struggles, and their product, class, are rather “overdetermined,” at once embedded in and worked over by a historically grounded assortment of social, technological, institutional, and political structures and practices. As Louis Althusser ([1969] 2005, 111) argued, the “tacit identity ... of the economic and the political” assumed by many classical thinkers vanished for Marx, who instead generated “a *new conception* of the relation between *determinant instances* in the structure-superstructure complex which constitutes the essence of any social formation,” one characterized by “*determination in the last instance by the (economic) mode of production*” on the one hand, and “on the other, *the relative autonomy of the superstructures.*”⁴⁹ Obvious conflicts between workers and employers of course must be considered as constituting important areas of class struggle. But such battles in no way encompass the totality of the ever-shifting, expansive terrain of class struggles. A one-sided fixation on working-class composition feeds the false impression that capitalist class composition requires no theoretical or historical consideration, which in turn inevitably leads to the mistaken understanding of class criticized above. Marxian approaches to the history of capitalism

⁴⁹ Overdetermination in Althusser’s usage refers not only “to aberrant historical circumstances” like those which caused the rise of fascism in Germany, “but is *universal*; the economic dialectic is never active *in the pure state*; in History, ... the superstructures, etc. – are never seen to step respectfully aside when their work is done, or, when the Time comes, as his pure phenomena, to scatter before His Majesty the Economy as he strides along the royal road of the Dialectic. From the first moment to the last, the lonely hour of the ‘last instance,’” that is, the moment when the economic sphere alone determines the outcome of history, “never comes.” Althusser [1969] 2005, 113.

that neglect the sphere of commercial exchange in favor of a one-sided consideration of the sphere of production likewise ignore a significant portion of the dynamics involved in bourgeois class relations. Value, it is true, is *generated* in the moment of commodity production. But as a purely immaterial substance, a social relation between commodities (and mediated by money) constituted in the act of exchange, value can *exist* only in the domain of commodity exchange. Analysis of the interference, interaction, and/or disharmonies existing between these two spheres and across the extensive territory of social reproduction therefore constitutes a crucial component of historical and theoretical consideration in the analysis of value's production and the class relations at once secured and motivated by this process.

Marxist feminists have importantly drawn attention to the importance of social reproduction to theoretical and historical considerations of capital and capitalism, and have rightly criticized the way many Marxists have historically eschewed matters of social reproduction, including the patriarchal family form and the gendered and racialized distribution of labor across industrial and commercial spheres, when considering capitalist economic conditions and historical social formations (James and Dalla Costa 1972; Federici 2004, 12; Weeks 2011; Mies [1986] 2014, 48–49; Federici and Austin 2017).

Class struggles function to perpetuate capital's conditions of existence, ensuring the basic social requirements for accumulation remain in place over time even as dramatic shifts take place across time and space in moral, technological, ecological,

financial, commercial, ideological, political, geographic, and institutional relations.⁵⁰ Seen in this light, class struggles in capitalism do not always or even usually contain the hidden seeds of a revolutionary anti-capitalist cataclysm or an attendant revolutionary subject. Attempts to overthrow the relation between capital and labor itself are exceedingly rare historically speaking. Revolutions, when they do occur, involve special and peculiar circumstances that cannot be accounted for using Marx's abstract account of the *normal* dynamics of class struggle in capitalist society.

The struggle over the working day, for instance, has only very rarely been a site of working-class revolutionary struggle, and the history of the struggle over the length of the workday cannot be understood by looking only at "working-class struggle." Rather, as in the case of the English Factory Acts explored in *Capital*, it has typically been a stabilizing conflict unfolding within capitalist societies, a struggle which has the effect of preventing the exploitation of labor from proceeding to such an extreme degree that the reproduction of the population at a certain standard of health becomes impossible, and

⁵⁰ "The advance of capitalist production develops a working class which by education, tradition and habit looks upon the requirements of that mode of production as self-evident natural laws.... The silent compulsion of economic relations sets the seal on the domination of the capitalist over the worker. Direct extra-economic force is still of course used, but only in exceptional cases. *In the ordinary run of things*, the worker can be left to the 'natural laws of production', i.e., it is possible to rely on his dependence on capital, which springs from the conditions of production themselves, and is guaranteed in perpetuity by them." Emphasis added, Marx 1976, 899–900. This characterization of the "silent compulsion of economic relations" echoes Adam Smith's analysis of the invisible hand, which regulates the size of the working population as by regulating "demand for men," which, "like that for any other commodity, necessarily regulates the production of men; it quickens it when it goes on too slowly, and stops it when it advances too fast." Smith [1776] 1999, 183.

one in which many members of the capitalist class play an important role as campaigners advocating on behalf of the rights of the working people vis-à-vis the state.

The interclass coalition behind the creation and enforcement of the Factory Acts, the most central case to Marx's analysis of class struggle in the first volume of *Capital*, is best understood as being founded not primarily on a shared moral outrage directed at capital, but rather on a tactical and politically expedient convergence of interests ultimately designed to work in the service of capital in the long run. Of course, from the perspective of workers, that the taming of the working day ultimately helps to harmonize the capital-labor relation against the disordering effects of its own contradictions in no way prevents it from being an essential, continuous, life-or-death struggle. Yet by pursuing its own class interest in the struggle over the definition of the working day, over what temporal boundaries should be foisted upon the capital-labor contract, the working class and its allies generate and sophisticate systems of regulation through which the interests of the capitalist class *as a whole* are secured, and the capital-labor relation itself is reproduced at the level of society.

Without the struggle over the working day, argued Marx, capital's tendency to wear out human labor-power, the source of value, would go unchecked. The "essential precondition of capitalist accumulation," the existence of wage-laborers, would be destroyed, as the "tendency toward the destruction of labor-power is...intrinsic to capital's drive (imposed by competition) for an increasingly greater valorization" (Henrich 2004, 207). As "the premature exhaustion and death" of the working population would tend to result in higher costs of social reproduction, "the interest of capital itself"

appears to be in accord with a general need for “a normal working day” (Marx 1976, 376–377). Indeed, capital “allows its actual movement to be determined as much and as little by the sight of the coming degradation and final depopulation of the human race, as by the probable fall of the earth into the sun,” and it “therefore takes no account of the health and length of the worker, *unless society forces it to do so*” (Marx 1976, 381, emphasis added). The Factory Acts were only established and enforced in the world’s first industrial capitalist society by way of conflict, cooperation, and negotiation between a range of class factions, including English aristocrats, parliamentarians, representatives of elements of the organized working population, and certain factions of the bourgeoisie not directly interested monetarily in the areas of industry being brought under regulation. Chief inspector Leonard Horner was a great champion for the interests of the children of the working classes, but this in no way made him a revolutionary. Indeed, he famously wrote that the laws protecting working-class children were “justified by the most cold and severe principles of political economy.”⁵¹ Education reform materially helped workers, yes, but Horner justified it with utilitarian ethical argument: it was really “a matter of police” designed “to prevent the multitude of immoral and vicious beings, the offspring of ignorance, from growing up around us, to be a pest and nuisance to society.”⁵²

⁵¹ Leonard Horner, *On the Employment of Children in Factories* (1840), quoted in Martin 1969, 439.

⁵² Leonard Horner’s letter to Nassau Senior (1837), quoted in Martin 1969, 438–439.

Nearly ninety years later, COF member George W. Alger echoed Horner's position, arguing that the higher quantity of "leisure" time afforded to "workers in the industrial field" was gained not only due "to humanitarian legislation but to facts concerning human capacities, ascertained by a cold-blooded modern industrial psychology applied to the study of work-fatigue." "The long working-day," Alger observed, was "an anachronism" because it was recognized by most enlightened employers in America to be unsustainable and dangerous to long-run profitability (Alger 1925, 484). From the perspective of the capitalist, to allow the quality of labor-power to diminish day after day is equivalent to accepting diminishing returns. Given certain labor market conditions, upkeep of workers' mental and physical welfare is essential because it ensures they can return to work each day and apply the same average degree of attention and skill. Similarly, "cleanliness" in the realm of public amusement and "stability" in the well-ordered household (often founded on unpaid exploitation of the labor of women and children) were practically useful to the capitalist to the extent they shielded workers' bodies and minds from the degrading pressures of the industrial workplace, curbed the spread of "social contagions" and sexually transmitted diseases—which, by the start of the First World War, many Progressives had come to believe were already debilitating a large proportion of the American labor force—inculcated in workers a sense of responsibility that tied them more firmly to the source of their wages, and offset the cost of each worker's individual reproduction by reifying the systematic exploitation of unpaid domestic labor.

COF member Mary Kingsbury Simkhovitch argued that maintaining wage floors, maximum hours laws, and other regulations for women workers was justified because “protection of the American working woman” by such laws helped society guarantee “that the future mothers of the race shall not become exhausted by their work” (Simkhovitch 1917b, 92). Simkhovitch, co-founder of Greenwich House and a capable scholar who had studied under the likes of historian James Harvey Robinson, economist E. R. A. Seligman, and sociologist Franklin Henry Giddings at Columbia University,⁵³ expounded this point in a 1910 article, emphasizing that the absence of “socially satisfactory” conditions confronted by young girls entering industry in New York City was generating “a social—or as some prefer to call it, moral—instability” that was “very serious”:

The working girl is stepping out of the most intimate, the most mutually conscious type of family life that exists, that of humble people. This old patriarchal family has a strength and an intensive character that other families lack.... This structure, seemingly almost absolutely firm, is undergoing under modern city conditions a strain never met before, and the family is not holding its own. What cause is at work to alter the ancient type? Undoubtedly the breakup is a byproduct of the industrial revolution (Simkhovitch 1910, 81–82).

As Simkhovitch’s words suggest, a prominent goal among Progressive moral reformers was to provide a measure of stability to society by checking the industrial

⁵³ Like several other prominent settlement house workers of the time such as Jane Addams of Chicago’s Hull House, Mary Simkhovitch received considerable formal training in sociology, anthropology, and other social sciences. Her studies included time spent traveling in Europe, where she took classes with Georg Simmel and Adolph Wagner and attended the “last great International Trade Union Congress” after receiving a ticket from an old friend of Marx. Simkhovitch 1938, 55; Barbuto 1992, 70; Williams and MacLean 2012, 353. Mary’s husband, Vladimir, was a professor of economic history at Columbia.

system's perceived tendency towards what COF member James Bronson Reynolds described as "unfitting the young men and women of New York, physically and morally, to be true home-makers," and by otherwise interfering with capital's tendency to "not make good wives and mothers" of working women.⁵⁴ In Marxian terms, the disarticulation of the family form constituted a disruption to social reproduction, that is, in the "household" sphere of labor involved in the production of labor-power at a certain standard of quality. Like many Progressive reformers, Alger and Simkhovitch understood that the "protection" of working women and the buttressing and/or supplementing of the patriarchal family structure constituted important practical matters of self-preservation for American capitalist society (Leonard 2005).⁵⁵

The State as Site of Capitalist Class Composition

Democracy is a government by public opinion. But we have to take issue with the assertion that public opinion does actually govern New York. We have properly speaking no public opinion.... [A] government by public opinion can exist only where all the elements of public life are fused in a crucible of common thought or feeling. To make a strong public opinion then, it is necessary that all the component parts of the given public shall understand something of the life and

⁵⁴ James Bronson Reynolds, quoted in Edward Marshall, "New York's Remorseless Conspiracy Against Youth," *New York Times Magazine*, January 21, 1912, <https://nyti.ms/38lnlZJ>.

⁵⁵ In Simkhovitch's words, "Pleasures are necessary and the community must take the place of the old home by protecting the young in their pleasures and by offering them such pleasures as shall enrich rather than debase the emotional and spiritual life. Dance halls properly controlled, clean theaters, amusement resorts freed from the harpies that too frequently gather there—all these are necessary in a program of social adjustment." Such a "program of social adjustment," thought Simkhovitch, would replace the outmoded home life with "the home of the future," supplementing the "negative" or "submissive" elements of the former family form with "positive" elements derived from the "efficiency" gained by working women through experience in industry. Simkhovitch 1910, 88–89. See also Miner 1916, 53, 79–86.

thought of the other parts, and it is especially necessary that the minority shall understand the majority.

—Mary Kingsbury Simkhovitch 1902, 204

Our difficulty in dealing with the industrial problem is due too often to a failure to understand the true interests of labor and capital. And I suspect this lack of understanding is just as prevalent among representatives of capital as among representatives of labor.

—John D. Rockefeller, Jr. 1916⁵⁶

The bourgeois state and its institutions form a main arena of contestation whereby the capitalist class interest is assessed, represented, and made manifest in the form of policy and political action. Reckoning this average interest, which transcends the specific worries of individual capitals, makes possible simultaneously a compression of the consciousness of the dispersed agents of the class into an objective and legitimated representational unity and an otherwise unthinkable extension of the temporal horizon of capitalist class politics beyond the immediate concern with present profits into the domain of the future. Consideration of the costs and benefits of securing the future health and welfare of the mass of the population, and of generational trends and birth rates and the like, is politically possible under capitalism only to the degree that the bourgeois state and its civil society intermediaries are capable of assessing and realizing a shared class interest over and against the desires of individual capitals, some of which will inevitably deviate from the average desires of the class assemblage.⁵⁷ Because the law and the state

⁵⁶ “John D. Rockefeller, Jr., on Labor and Capital — Partners,” *Atlantic Monthly*, reprinted in *New York Times Magazine*, January 9, 1916, <https://nyti.ms/38iRLfb>.

⁵⁷ “Every measure brings disadvantages for some capitalists (sometimes even for all capitalists) and advantages for others (or fewer disadvantages than the rest). Advantages expected—but not certain—over the long term are pitted against immediate disadvantages. The issue of what the general capitalist interest consists in, which

in bourgeois society are integrated into the broader economic structure of society, “the anatomy of ... civil society has to be sought in political economy” (Marx 1977).⁵⁸

The neutrality of the bourgeois state is not a concrete empirical reality that can be seen or measured outside of the specific mechanisms of state consensus building and political practice. Neither is it a pure fiction that disguises a hidden, ever-present unity within the class formation regardless of its articulation. This neutrality is produced by way of specific mechanisms for assessing the class interest and realizing this interest through political action.⁵⁹ It is not the fixed attribute of a thing or institution but is rather the product of a relation between competing interests, which has to be established through the cultivation and utilization of socially valid mechanisms of negotiation, consensus-building, enforcement, conciliation, and so on.

challenges the state should react to and how—all that has to constantly be ascertained. State policies presuppose a constant *ascertainment of the general interest* and the *measures* for its implementation.” Heinrich 2012, 209.

⁵⁸ In arguing that analysis of economic relations is needed to adequately comprehend political and cultural developments, Marx was not advancing an economistic proposition. Rather he was departing from the mainstream view by arguing “that the state and law cannot be grasped *by themselves*, but must always be examined against the background of economic relations.” Emphasis added, Heinrich 2012, 200.

⁵⁹ According to Marx, in bourgeois society it is not an illusion that the state conducts itself neutrally with respect to individuals. Instead, for Marx it *really is* by “means of this neutrality that the state secures the foundations of capitalist relations and domination and exploitation,” much in the same way as “commodity fetishism” is for Marx not an illusion but an integral part of everyday reality in commodity-producing societies, where private producers do not relate to each other directly but are instead brought into contact only by way of commodities and money, and where everyday life is for both the capitalist and the worker shaped by the movements of market prices. Heinrich 2012, 205.

Unlike the conception of “neutrality” typically advanced by classical and neoclassical thinkers—who speak for instance of money as a “neutral veil” in order to exclude the analysis of power from interfering impertinently with the popular story of money as historically rooted in barter and defined by its function as means of exchange (for critiques of this view, see Grierson 1978; Ingham 1996, 508) —the conception of “neutrality” advanced by Marx’s theorization of the bourgeois state is one that recognized the substance of neutrality to be a social and historical *process*, a social relation produced by social processes and activities in which an extensive array of economic agents and institutions in capitalist society participate. This dynamic relation is constituted neither as an inherent attribute of a certain category of *things* nor through the passive operation of some singular, ideal, unproblematic *configuration* of class domination or state/institutional power. The neutrality of the bourgeois state is difficult to identify as such because its existence is spread across a broad and frequently grief-laden domain of social and political contestations and controversies instead of being fixed within a narrow sphere of manifestation. Indeed, because neutrality, which can appear in modern class society only as the outcome of kaleidoscopic, ever-changing processes of negotiation and struggle, is inherently “unstable” and always-already relational, many on the “left” and “right” of the political spectrum tend to deny neutrality’s “real” existence in bourgeois society. This popular dismissal of the “reality” of the bourgeois state’s neutrality is based on a notion that neutrality is something akin to a fixed property of a thing, a lifeless attribute inherent within an institution, personage, organization, legal system, technique of governance, or structure of power, instead of the outcome of an ongoing, living social

process in which a vast, propagative, and inextricable mesh of political and economic forces are necessarily involved.

When institutions of the bourgeois state and its appendages operating in the realm of civil society are perceived by some factions of the class to act in a biased way, their apparent lack of neutrality generates a scandal *within* bourgeois society, since the neutrality of the state in bourgeois society is founded on the right of free individuals to “equal” treatment before the law. Such scandals form important sites of political and regulatory negotiation and conflict within bourgeois society, not least because the state’s neutral positionality is the direct product of the equal treatment of all members of bourgeois society. This particular form of freedom and equality develops historically only with the development of capitalist society, and it is thus a characteristic dynamic within capitalist society, even as there always are conflicts over whose private property rights are respected in practice.⁶⁰

Of course, who in practice *belongs* within this society of equals, who is able to access this sphere of neutrality, is determined by a social struggle, the outcome of which conditions what ends up being in practice an unequal and imperfect distribution of legal protections across the population. In practice, much as an individual’s positionality with respect to race, gender, ethnicity, nationality, sexuality, or reputation can affect how their

⁶⁰ Much as in the struggle over the working day, the outcome of such contests “between equal rights” is decided via the application political “force.” Marx 1976, 344. In the words of Thorstein Veblen, in a system based on private ownership employers and employees alike assert “the right to commit unlimited acts of sabotage,” vying over their own perceived rights while holding fundamentally “incompatible or mis-mated vested interests.” Quoted in “Reconstruction After the War” 1918.

labor is valued, so too can such forms of social difference condition the standing of persons as economic agents. Even proceeding from the generous assumption that every person has equal access to markets, equal protection of private property rights, and equal access to price information, and that therefore all the basic requirements of a perfectly functioning and unbiased market system are present, then the capitalist class will still find its interests protected by the institutions of the bourgeois state on whose authority these forms of equality and market freedom are based, since the capitalist class in its most basic structural definition owns the vast majority of private property in society and would thus command the majority of protection.⁶¹

The conflict over the bourgeois state's neutrality with respect to the rights of persons entails a discursive process of capitalist class composition, much as it is a site of conflict between the capitalist class and certain political representatives of the working class, who also attempt to leverage the state in order to make material gains for the mass of the population (e.g., in the form of welfare state provisions). By utilizing this category of class composition, I mean to contest the idea of "class as a preexisting empirical category" (Mueller 2021, 15). The conflict over the bourgeois state unfolds as a many-sided ritual practice engaged by many factions of the capitalist class, factions whose interests are not always or even usually materially aligned in a straightforward manner, especially once the interferences of competition and monopoly and the like are

⁶¹ "Capital is not a thing—it is a relationship. It entails an agreement by financial institutions that a person or corporate entity has exclusive access to an asset and that the state—i.e., the police or military—will punish unauthorized access to it. The state does the most to protect the people with the largest capital investments, leaving people with the least capital invested to fend for themselves." Ralph 2020.

introduced into the mix. The bourgeois state constitutes a site of normative representation and negotiation whereby the capitalist class formation is forged as a provisional and contentious unity, its general, average interest measured and expressed in socially valid forms.

The bourgeois state in its usual form does not represent the agency of a single set of actors in society, but of the capitalist class interest in general. Unlike in other forms of pre-capitalist social organization, class rule in bourgeois capitalist society is secured through *impersonal domination*. In the bourgeois social order, equal individuals are brought into relation with one another, and the products of their labor counted as part of the total social product, not *directly* through social relations with other persons, but indirectly by way of commodity exchange, mediated by fluctuating market prices. By protecting the equal status of all buyers and sellers before the law, the bourgeois state ensures the freedom of persons to meet in the market on level ground.⁶²

This legal structure of rights and private property protections generates the belief among bourgeois thinkers that class struggle ceases to exist in capitalist society, since

⁶² In capitalist societies, “freedom of voluntary contract” is usually enforced, and “there is *equality* among commodity owners: all are equal before the law. This kind of freedom and equality did not exist in pre-capitalist societies.” But it is also a constrained kind of freedom, being nothing but the “freedom of *atomistic individuals who are indifferent to each other* and make one another into means to their own ends.” Heinrich 2021, 327, 331. The Fourteenth Amendment to the US Constitution forms one layer of protection of this freedom, and, somewhat paradoxically, it was the *Lochner*-era Supreme Court’s broad interpretation of the protection proffered by the due process clause that formed the greatest barrier to the advancement of minimum wage and maximum hours laws and similar forms of protective legislation in the decades before the New Deal. See Seager 1904; Holcombe 1911, 32; Roosevelt 1912; Powell 1917, 308; Simkhovitch 1917, 92; Kerr 1976, 387.

class distinctions between buyers and sellers appear to vanish in the sphere of market exchange where right meets right. Instead of being run by a ruling class endowed from birth with distinct social status and special rights and privileges, or being controlled wholly through the threat of physical force, the well-developed capitalist economy's operations appear to arise automatically from the activities of equal and free buyers and sellers transacting in the realm of commodity exchange, activities conditioned by abstract and impersonal market forces.⁶³ For the COF's George W. Alger, for instance, "class" denoted any legal practice or structure that afforded privileges to certain segments of the population before the law in ways that essentially mirrored the type of power held by feudal landlords in societies defined by a structure of personal domination. Class was a "favoritism" before the law that was the effect of biased legal procedures and "class privilege laws," which furnished certain economic agents and sectors with special, "new privileges and exemptions," including exemptions from investigation and prosecution by the state, for instance (Alger 1921, 149). The question facing America was not whether capitalism was structured on a class-based mode of social organization, but rather whether class privilege would be allowed to take root in the American legal system through a baked-in bias towards particular organized factions of capital and labor

⁶³ Under "developed capitalist relations," argued Marx, "the maintenance of the class relation is assured precisely because the state, as the rule of law[,] treats its citizens as free and equal owners of property regardless of their social class, defending their property and their dealings as property owners" through the exercise of force. Moreover, the bourgeois state helps to secure the basic "*material* conditions for the accumulation of capital," for example, by managing money through central banks or constructing communication or transport infrastructures, and thereby acts as what Engels referred to as the "ideal personification of the total national capital." Heinrich 2012, 206.

possessing outsized political power—that is, whether American society would permit “the development in America of class-war by recognizing class-distinctions, class-rights, and class-privileges” (Alger 1921, 153). In Alger’s analysis, which reflects the bourgeois reform mindset perfectly adequately, capitalist society is by definition already post-class so long as it is protected from new encroachments of old-world privilege. It follows from this view that so long as class-war continued to go unrecognized by the state and biased class-privilege laws were prevented from coming into existence, then American capitalism could remain free of the pesky burdens of class and class struggle, which belonged to a previous mode of society in which inequality was manifested in unequal treatment of individuals, groups, and/or capitalist class factions and sub-factions before the law, and were not at all necessary to the reproduction of capital in its well-developed form.

Critically, the “post-class” view of capitalist society misses that it is only through the perpetual struggle between the various factions of the capitalist class, a contest reflected all the time in the ideological debates unfolding in the free press and elsewhere, that something like a composite image of the capitalist class interest becomes representable, and this representability comprises a basic precondition for the bourgeois state’s capacity to act in the service of an agglomerated class interest. Indeed, as the ruling class in capitalist society is composed of many competing factions and groups with conflicting economic and social interests, its actual articulation as a class formation is by no means a pregiven reality. Further, this ruling-class-forming activity constantly unfolds in relation to broader conflicts over legitimacy and consensus production that include

representatives of the ruled class, since the state recognizes that “the interests of the lower classes...must at least be taken into consideration to the extent that they do not ‘excessively’ interfere with the capitalist general interest in successful accumulation” (Heinrich 2012, 210).

Such intraclass and interclass negotiations unfold simultaneously along multiple planes of abstraction and are conditioned by historically specific lines of social fragmentation. As Silvia Federici (2004, 63–64) has argued, accumulation in capitalist societies has historically necessitated an “accumulation of social differences and divisions within the working class, whereby hierarchies built upon gender, as well as ‘race’ and age, became constitutive of class rule and the formation of the modern proletariat.”⁶⁴ And, as historian Val Marie Johnson (2007, 32) has argued in the course of analyzing the COF’s 1913 investigation of Macy’s department store, “The sexual power relations informing women’s labor” in the Progressive Era—relations in which the COF was deeply interested in studying and controlling— “intersected with the inequities of a capitalist system that has relied on divisions of gender, race and ethnicity, nation, skill, and age to fracture the solidarity of noncapitalist classes.”

The production of the neutrality of the laws of the bourgeois state is in fact the method for confirming and reifying the power of the capitalist class, since equality before

⁶⁴ Indeed, the forms of freedom and equality at the foundation of capitalist society have always in the history of capitalism been grounded in material unfreedoms and structural inequalities, selectively distributed according to race, gender, ethnicity, and other lines of social difference. For this reason, some theorists rightly emphasize that capitalism “is *always* inherently racialized.” Ralph and Singhal 2019, 857. See Gilmore 2017; Melamed 2015.

the law has very different consequences depending on how much capital individual persons possess.⁶⁵ The legal equality between persons secured through the neutral state is not a total fiction even in cases where there are egregious examples where individual capitalists wield enormous power over the state. As George W. Alger (1921, 145) once put it, at the “root of democracy lies the great principle of equality before the law.” But neither does the presence of this “universal” form of equality abolish class domination.⁶⁶ On the contrary, by guaranteeing the property rights of all, the state realizes the dominance of the capitalist class, which owns most of the private property in society, and “impersonal relations of force” come to replace the relations of “personal domination” that characterized noncapitalist class societies (Heinrich 2021, 327). Indeed, “the defense of property implies that those who possess no relevant property beyond their own labor-power *must* sell their labor-power” to survive, since “they must submit to capital” to access means of subsistence (Heinrich 2012, 205). By using “its own ‘legitimate force’” to “guarantee private property regardless of the social status of the person, thus respecting the freedom and equality of citizens,” the well-developed bourgeois state “allows the ‘silent compulsion’” of economic relations “to develop in the most effective manner” (Heinrich 2019, 21).

⁶⁵ “In a legal sense, the worker is the money owner’s equal, and each has dominion only over his own property. Materially, it makes an enormous difference that one of them already possesses money and the material conditions for production, while the other needs money to survive.” Heinrich 2021, 327.

⁶⁶ “The freedom and equality that exists among commodity owners is still connected to coercion and inequality. The worker is *free* to sell his or her labor-power, but he or she is also *forced* to sell it, for lack of other commodities.” Heinrich 2021, 327.

Let us turn again to the case of the Committee of Fourteen and its vigilante scheme for regulating New York’s saloons, tenements, and spaces of commercial amusement. By the time America entered the first world war, the Committee was a “model anti-vice organization” whose work in New York was impacting the operations of reform societies across the continent (Lerner 2008, 25).⁶⁷ The COF represented the interests of America’s industrial bourgeoisie centered in New York. John D. Rockefeller, Jr., who founded the American Social Hygiene Association and chaired a grand jury investigation into “white slavery,” was, both personally and through his role as the head of the Rockefeller Foundation, the COF’s most important financial and political supporter for much of its existence.⁶⁸ The membership of the COF itself consisted mostly of highly educated white-collar professionals—lawyers, university professors, lecturers, investigators, institutional administrators, physicians, psychologists—in addition to prominent settlement house workers and social reformers, and clergy.⁶⁹ Put simply, the

⁶⁷ According to Lerner, the COF’s work guided the direction national prohibition’s enforcement in American cities, ensuring it remained focused on ethnic working-class immigrant communities, even as it refused to enforce the Volstead Act directly.

⁶⁸ John D. Rockefeller, Jr. contributed \$2,843 during the 1923–1924 fiscal year, up from \$2,500 in the period 1917–1918 (a year when the Rockefeller Foundation additionally contributed \$5,000). The next highest contributor was Arthur Curtiss James at \$2000. Longtime contributor Edward S. Harkness and the Hartley Corporation each contributed \$1000. Percy S. Straus, elected a COF member in 1915, contributed \$750, while Cleveland H. Dodge, Joseph P. Grace, and Felix M. Warburg each contributed \$500. *Committee of Fourteen* 1918, 55; 1925, 50–2.

⁶⁹ It was not at all unusual for COF members to inhabit many such roles. For example, the physician and child psychologist, Eugene L. Swan, who was elected to the COF in 1915, gave lectures on family relations as a member of the American Social Hygiene Association, rose to the rank of major in the Medical Corps during the First World War, and was a member of both the national council of the Boy Scouts of America and the

COF's backers, founders, and members were generally at home among the America's political, cultural, and economic elite. Many were trained at top universities like Yale or Columbia. Some, like Percy S. Straus, vice president of Macy's and head of the retail dry goods association and, for a time, chairman of the COF, were businessmen in good standing in New York. Others, like Rockefeller, were "absentee industrialists"—highly influential capitalists presiding over vast, geographically dispersed multi-unit business enterprises from their New York offices.⁷⁰ As a non-governmental entity reliant on private funding streams, the COF was obliged to act within the bounds of sensibility set by its backers, even as it enjoyed a high degree of autonomy over daily operations.

The COF and other Progressives considered the commercial leisure economy, including the sex trades, to be in a zero-sum competition with "cleaner" forms of amusement. In such a situation, the rise of one set of institutions and economic actors is premised on the failure of another set. Working people only had so many hours in the week and so much money, and "artificial" forces acting in the market, be they distortions

management committee of the Young Men's Christian Association of Brooklyn. "Physicians to Talk to Civic Clubs Here," *Evening Star* (Washington, DC), October 13, 19129, <https://chroniclingamerica.loc.gov/lccn/sn83045462/1929-10-13/ed-1/seq-5/>. Canadian-born businessman, Alfred Erskine Marling of Horace S. Ely & Company, also elected to the COF in 1915, was for a time president of the New York State Chamber of Commerce, head of New York City's Union League Club, chairman of the international committee of the Young Men's Christian Associations, and chairman of the Columbia Theological Seminary.

⁷⁰ For his part, Percy Selden Straus assumed co-ownership of Macy's & Co. after the death of his parents, who were among the wealthiest persons to perish aboard the *Titanic*. "Hospital Is Engaged to Take Care of Injured Survivors on Carpathia," *Perth Amboy Evening News* (New Jersey), April 18, 1912, <https://chroniclingamerica.loc.gov/lccn/sn85035720/1912-04-18/ed-2/seq-1/>.

in demand for profitable pleasures or destructive tendencies towards “over-competition,” were bending the terms of trade to benefit craven pleasure brokers.⁷¹ The population’s moral character was a product of how it spent its limited monetary and attentional resources. In the words of Belle Lindner Israels (1912, 125), “the wrong kind of recreation has disastrous results,” while the “right kind... may bring about an uplift that is equal to almost any form of art.”⁷² Of course, in deciding who may serve what to whom, by conditioning the terms of service of commerce, the bourgeois state acts as a racist state in the broad sense, that is, a state disposed to the “state-sanctioned and/or extralegal production and exploitation of group-differentiated vulnerability to premature death” (Gilmore 2007, 28). In Israels’s words, it was the responsibility of the whole community to engage in “social supervision” of private amusement enterprises in order to ensure the population received “the right kind of recreation” in “wholesome and decent”

⁷¹ The first report of New York’s Committee of Fifteen (a precursor to the COF) in 1901, for instance, declared preliminary investigations had revealed that the “gambling spirit” thriving in the city’s illegal gambling parlors and poolrooms was “artificially encouraged and developed” by police protection rackets; “Fifteen Know the Protectors of Vice,” *New York Times*, May 3, 1901, <https://nyti.ms/3p8ON1E>. Another example of this kind of rhetoric came when the COF later argued that over-competition in the saloon trade was a major factor driving the immorality visible in disorderly hotels. Whitin summarized the COF’s position: “As a result of the over-competition, combined with the debt which increases the longer the dealer does business under such conditions, he is often actually compelled to increase his income by allowing disorderly conditions to exist in the rear room of his saloon and in the bedrooms upstairs which he has converted into a hotel for the purpose of making lawful Sunday sales.” Baldwin, Kellor, and Simkhovitch 1910, 51.

⁷² “The dance hall, improperly conducted, is a hotbed of infamy. Rightly conducted, it is a healthful and innocent means of recreation and a prevention of evil.” Mrs. Charles H. [Belle Lindner] Israels, “How We Broke the Curse of the Dance Halls,” *Omaha Daily Bee* (Nebraska), February 16, 1913, <https://chroniclingamerica.loc.gov/lccn/sn99021999/1913-02-16/ed-1/seq-19/>.

environments where “the *wrong kind of people* are left out” (emphasis added, Israels 1912, 125). Distortions of the “natural” forces of supply and demand translated into social degeneration, the decline of traditional family and gender norms, the traversing of racial and ethnic divides, the rising visibility of queer sexualities and identities, the spread of promiscuity among working women and girls, diminished work capacities, intensified working-class radicalism, and other perceived indications of social declension and costly disruption.⁷³

Making Vice Unprofitable

Competition is very keen and brewers like other business men are afraid of advantage being taken of them by their rivals.

—John P. Peters 1908, 94

The interest of the capitalist class formation must be forged, articulated, and enforced. Pressures from below, i.e., from the working and “dangerous” classes, motivate such processes of capitalist class composition. Rising threats of social upheaval—the spread of “radical” Bolshevik, anarchist, feminist, and “free love” politics, shifts in courtship norms and changes in the family corresponding to the increased presence of women in the labor market, interracial leisure and “miscegenation,” the “new negro” (King 2015), the “new woman” (Simkhovitch 1910, 89), the rising visibility of gay, lesbian, and queer identities and practices (Chauncey 1994), for instance—appear as destabilizing threats to the smooth functioning of the market-based social order. In the

⁷³ See also Roe 1910, 108–121. Today’s reformers too refer rhetorically to distortions in supply and demand relations in order to advance humanist critiques of unfair business practices. For example, see Shoshana Zuboff’s critique of “behavioral futures markets.” Zuboff 2019, 497.

wake of the spectacular conflict between the U.S. Steel and the Amalgamated Association of Iron, Steel, and Tin Workers in the summer of 1901, as future COF chairman John P. Peters wrote in the introduction to a volume he edited titled *Labor and Capital* (1902, xiii), it was increasingly clear to educated observers that “the increasing tendency toward the consolidation of [manufacturing] industries in vast combinations and corporations, together with the almost commensurate growth of labor organizations,” had “rendered labor disturbances a national danger.”⁷⁴ Peters, who would soon be appointed chairman of the COF and was at the time serving as vice-president of the Morningside and Riverside Heights association and rector of St. Michael’s Church, held that the Progressive organization of both capital and labor into massive combinations rendered “war” between them scarcer but “vastly more disastrous,” and that therefore the relationship between employers and employees was necessarily no longer a private

⁷⁴ Notably, Peters was soon compelled to comment on industrial matters once again following the *PS General Slocum* disaster of 1904, which claimed over a thousand lives. He criticized the way the public paid attention to such spectacular large-scale industrial disasters but ignored the deaths caused by the careless organization of society, for which “the community” was “responsible,” not just abhorrent individuals: “The people of each community are so knit together that each member of the community must bear the burden of evil doing of all who are in that community.... Ignorance, stupidity, cowardice, laziness, selfishness, greed, lawlessness reap each year a terrible harvest of avoidable deaths; but it requires such disasters as those which have shocked us recently with their great loss of life ... to arouse communities to the sense of the evil conditions which cause such accidents and the possibility of their prevention. The cruelty and wickedness of greed ... which leads men to struggle only for their own gain or their own advantage, are, by the terrible part they play in such disasters, held up to the abhorrence of all.... It is to be hoped ... that these disasters may arouse the community ... to a consciousness of the existence of a widespread disregard of law and the obligations of community life which, unless there be a reform, will ultimately entail consequences still more disastrous.” John P. Peters, “Great and Small Tragedies of Life,” *Times Dispatch* (Richmond), August 14, 1904, <https://chroniclingamerica.loc.gov/lccn/sn85038615/1904-08-14/ed-1/seq-29/>.

question but instead “a matter of supreme national importance” (Peters 1902, xiv). Peters emphasized that industrial combinations were beneficial to society at large as long as they were properly managed and remained subordinate to the state: “The giant incorporation may be and is beneficial to the community at large in reducing prices, and to its own laborers in raising wages, provided it does not succeed in destroying competition, is honestly and efficiently managed and is the creature, not the master of government” (Peters 1902, xxvi).⁷⁵ It was the duty of civil society to ensure this fragile balance of powers.

New York City was by the first decade of the twentieth century America’s center of home-grown and imported working-class radicalism (Goldman 2002; Ackerman 2016; Hochschild 2020), a fact made crystal clear to the bourgeoisie during numerous eruptions of militant protest and sabotage, include the 1910 shirtwaist makers’ strike, the militant protests following the 1911 Triangle Shirtwaist Company factory fire, the spectacular German sabotage of the Black Tom explosion in 1916, the openly socialistic women-led “Food Riots” of 1917, and the participation of many New York-based radicals in the

⁷⁵ A similar sentiment was later presented by John D. Rockefeller, Jr., in a statement provided to the US Commission on Industrial Relations in 1915: “Combinations of capital are sometimes conducted in an un-worthy manner, contrary to law and in disregard of the interest both of labor and the public. Such combinations,” though exceptional, “cannot be too strongly condemned,” since “such publicity is generally given to their unsocial acts that all combinations of capital, however rightly managed or broadly beneficent, are thereby brought under suspicion.” Rockefeller 1915, 4. As Val Marie Johnson has insightfully pointed out, Rockefeller’s choice to throw his money behind the movement against “white slavery” was at least partly motivated by a desire to support “efforts to document a prostitution syndicate that was implied to represent a greater social evil” —indeed, an example of the wrong sort of industrial combination— “than that presented by such corporate trusts as Standard Oil,” which by contrast would be made to appear beneficent. Johnson 2007, 35.

organization of the Communist Party of America in 1919, to list just a few such phenomena perceived collectively by many elites as a wave of dangerous and destabilizing radicalism. The arrival of many Black and African American migrants from the South, West Africa, and the Caribbean in this period, combined with the continued arrival of large numbers of immigrants from Eastern Europe, Italy, Poland, and many other locales that began in earnest in the 1890s, created further cause for apprehension amongst entrenched elites, even as these inflows of labor-power were recognized by many Progressives to be crucial to meeting the nation's expanding industrial labor demands (Kellor 1905; Kellor 1911; Simkhovitch 1917b). As the composition of the urban population changed, Progressives like the members of the COF and similar organizations came to hold distinctly ambivalent attitudes towards the industrial population, emphasizing monitoring/care/protection on the one hand and surveillance/discipline/social control on the other.

The everyday life of the industrial working population gathered in the cities was “an increasing factor in the life of the nation,” and the protection of this population's “standard of life,” its “labour, recreation, education, and health,” and its “social relationships and aspirations” was increasingly recognized by Progressives to be “of vital interest to every American” (Simkhovitch 1917b, 2). However, at the same time, high urban crime rates, the advancing strength of organized labor, the perceived erosion of traditional American values by “foreign” cultures, the growing prevalence of radical political and social movements centered in industrial centers, and other “negative” factors popularly associated with the growth of the industrial population led many Progressives

to approach the immigrant urban proletariat with suspicion, condescension, and even contempt. Indeed, fear of social disorder bubbled up constantly in Progressives' discourses of social and moral reform, "gnawing away at the foundation of their optimism" while fragmenting or even directly undermining their more constructive political agendas (Kirschner 1975, 71; for an example of fragmentation, see Kerr 1976).

During and immediately the First World War, for instance, many Progressives began to see the specter of seditious plots and revolutionary schemes all around them. The militarization of urban police forces and the mass criminalization, prosecution, and deportation of communists, anarchists, Black radicals, and feminists received broad support from many mainstream Progressives.⁷⁶ The COF's Frederick Whitin personally aided the police on several occasions in rounding up suspected draft dodgers and arresting suspected foreign dissidents and radicals, including members of the I. W. W., many of whom were vocally opposed to the war and supportive of Emma Goldman, Eugene Debs, and other frequently incarcerated activists who had been deemed threats to public safety and national security by authorities like the Justice Department's Bureau of Investigation.⁷⁷ Notably, some Progressive thinkers, such as early COF member Frances

⁷⁶ Among the many women prosecuted for anti-war activism was the prominent Russian-born socialist feminist and birth control advocate, Rose Pastor Stokes. Hochschild 2020. On police militarization during World War I, see "New York Police Department Is on a War Footing," *New York Times*, February 11, 1917, <https://nyti.ms/3iX4Mxj>.

⁷⁷ "800 Are Rounded Up in Draft Raid," *Sun*, May 20, 1918, <https://chroniclingamerica.loc.gov/lccn/sn83030431/1918-05-20/ed-1/seq-14/>; "800 Are Caught in Police Raids on the East Side," *New York Tribune*, May 20, 1918, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1918-05-20/ed-1/seq-14/>; "Police Round Up 100 in Drive on Draft Dodgers," *New York Tribune*, June 17, 1918, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1918-06-17/ed-1/seq-5/>; "Police

Kellor, saw that such tactics were both at odds with the spirit of constructive reform and ineffective at fighting communism's rising popularity, and would only result in an leakage of the nation's "immigrant manpower" —the "one indispensable, irreducible element required to stabilize and to increase production" at the national level. A better approach, Kellor argued, would be to focus on eliminating exploitative employers and ensuring a more just distribution between labor and capital, as "industrial injustice" was "the only agitator that America needs to fear" (Kellor 1920, 9).⁷⁸

Another general form of social process that impels capitalist individuals and institutions to compose themselves into a class formation arises from the constant need to check the ruinous influence of profit maximization and its attendant "industrial injustices" on the operations of social reproduction. Here class composition unfolds as a conflict over the definition and enforcement of acceptable business practices, over acceptable forms of concrete labor exploitation within certain significant industries. With an eye to the physical health and moral welfare of the mass of the working population, the capitalist class is pressured out of pure economic self-interest to set limits on the production and circulation of value. Because imposing these limits and paying for the related costs of welfare provisions necessitate decreasing the amount of surplus value, such that for the individual capitalist "this deduction constitutes a restriction," the state

Make Arrests at I. W. W. Meeting," *New York Tribune*, June 23, 1919, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1918-06-23/ed-1/seq-6/>.

⁷⁸ See Frances A. Kellor, "How Shall the Alien Be Made into a Good American?" *New York Tribune*, April 4, 1920, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1920-04-04/ed-1/seq-72/>.

necessarily “violates the direct interest of each individual capital in maximum valorization and therefore encounters corresponding resistance” (Heinrich 2012, 208).

Such limits on the movements of capital are socially necessary for capitalist society because they secure the long-lasting possibility of exploitation of the working class by the capitalist class, since without them capital would exhaust the two sources of wealth, the natural environment and human labor, upon which every economy is necessarily constructed. Absent effective regulation by custom or law, the compulsion to competition central to market society produces harmful outcomes in the lives of workers. If allowed to accumulate, this process can lead to serious disruptions in the whole fabric of social reproduction, generating premature death, social disintegration, environmental collapse, and other horrors that can have direct implications for the smooth reproduction of labor-power, for the circulation of value through what Simkhovitch referred to as “the industrial family” (1917b, 1–21). At the level of individual enterprises, managers often have many practical reasons to recognize, as future COF chairman Percy S. Straus once expressed in 1915 while expounding the virtues of corporate welfare work, “that good business requires a more personal relationship between themselves and their employes than can be expressed in dollars and cents on the payroll.”⁷⁹ The COF believed from the start that it was in the interests of business to “maintain conditions which shall ensure

⁷⁹ Quoted in “Want Sociologists in the Big Stores,” *New York Times*, May 22, 1915, <https://nyti.ms/3KSY5Zq>.

morality,” since “immorality from the business standpoint involves serious consequences” beyond the immediate risk to reputation.⁸⁰

Who (workers, retailers, wholesalers, creditors, property owners) may sell (or, alternatively, lend or give) what (commodities, services, labor capacities, money/credit) to whom, and under what conditions (e.g., during what hours of the day)? What protocols of surveillance and discipline should be used to identify forms of profit-making deemed harmful to the social body (and, by extension, harmful to the class interest)? By what methods should the social standing of economic agents be assessed and access to capital accordingly conditioned? How should disputes be objectively arbitrated? What kinds of information should be accepted as evidence in cases of potential harms to individuals or society as a whole? Who should be held responsible for harms to the social body, and who should decide *who owes what to whom* when valid evidence of harms to the social body is presented to authorities? And, since consideration of new forms of regulation implied new spending, how much money should be spent on which initiatives, and where

⁸⁰ John P. Peters, “Department Store Investigation: Report of the Sub-Committee,” September 1914, p. 14, Box 39, C14. In a 1913 piece in the *Times* criticizing proposals for a national minimum wage, for example, Frank Barkley Copley, who would later author a biography of Frederick Taylor, wrote while arguing against a minimum wage law for women that economists were “realizing more and more that nothing can be economically beneficial which is ethically bad; and that nothing can be ethically good which is economically disastrous.” Frank Barkley Copley and Rheta Childe Dorr, “For and Against the Minimum Wage,” *New York Times*, April 13, 1913, <https://nyti.ms/3d25yGe>. Among the many important turn-of-the-century thinkers to emphasize the practical significance of reputation to commercial practice was Edward Lawrence Godkin, who wrote in 1890 that “if reputation were taken from under the fabric of modern commercial credit, the result would be an immense financial collapse,” emphasizing that the true value of public confidence in one’s character “from a purely commercial point of view” could not be accurately estimated until it was lost. Godkin 1890, 61.

should this money come from? That is, which costs should be borne by the state, by the total social capital, and which should fall upon individuals or particular segments of civil society or industry?

Through the processes of conflict and consensus development provoked by the practical incentive to adequately answer such questions, the capitalist class comes to compose itself around a composite, commonly held, average vision of the shape of the moral and legal scaffolding upon which contracts between buyers and sellers, debtors and creditors, and receivers and givers of gifts, should be permitted to unfold. Where existing legal codes, traditional justice frameworks, and enforcement mechanisms fall short of realizing the ambitions articulated by this collective social imaginary's flesh-and-blood representatives, the class formation may either seek to change these codes, frameworks, and mechanisms or otherwise, as in the case of the turn-of-the-century preventative societies, it may reach for extra-legal or vigilante methods to produce the desired conditions.⁸¹

I emphasize in this dissertation that the history of the COF and police reform more generally in turn-of-the-century New York City affords a useful opportunity to examine how processes of class struggle and class formation unfold in capitalist societies in general. Such an inquiry leads us to consider many interesting aspects of how one particular historical class formation, New York's turn-of-the-century industrial

⁸¹ Pioneering reformer Henry Bergh of the American Society of the Prevention of Cruelty to Animals, for example, argued that “all forms of vice and cruelty corroded the moral structure of society” and thus necessitated an attitude of “zealous daring’ and ignoring [of] the formal requirements of law,” as “self-defined humanitarian concern overrode the technicality of law.” Gilfoyle 1986, 642.

bourgeoisie, was constituted, that is, how it generated, consolidated, and/or wielded commonly held powers to secure the long-term interests of the class as a whole. One reason the story of the COF is so useful for understanding capitalist class composition is that its surveillance not only worked to discipline labor conditions and standards within the sphere of industrial production, but they also moved towards the study (in order to better control and/or direct) of *commercial* labor practices and environmental conditions within other arenas of capital accumulation including the spheres of commodity exchange, credit/money circulation, insurance relations, and landed property/real estate transactions. Moreover, the COF used surveillance as a means to manage social reproduction and “leisure” or “free time” at the level of the urban population. Class composition unfolds through class struggle in capitalist societies, and the arena of class struggle extends beyond the conflict between employers and employees at the point of production into these and other arenas of cultural, social, and political economic contestation.

The formation of the COF in 1905 was a collective response by an eclectic mix of actors within New York’s bourgeoisie (which was increasingly *the American bourgeoisie*) to the objectionable effects on the mass of the population generated by two circumstances.⁸² First, the 1896 Raines Law, which was designed to curb liquor sales on Sundays, in practice caused the sudden conversion of hundreds of saloons into hotels,

⁸² Already in 1901, the COF’s predecessor organization, the Committee of Fifteen, had emphasized that the “greatest of existing evils is the intrusion and wide extension of prostitution in the tenement houses, the houses in which the *great mass of wage earners* are compelled to live.” Emphasis added, “The Social Evil in Tenement Houses,” *New York Times*, March 25, 1901, <https://nyti.ms/3rsSgL8>.

hotels whose proprietors, since they were now locked in a kind of zero-sum competition with a greater number of suppliers with no corresponding increase in demand, regularly compensated for higher operating costs by profiting directly or indirectly from “vice” activities—gambling, prostitution, immoral forms of dancing and entertainment, etc.—permitted in their establishments.⁸³ The law effectively stripped authorities overseeing the distribution of excise licenses of discretionary power while simultaneously enabling a more or less “automatic issuance of licenses on compliance with certain” very minimal conditions (Peters 1918, 349). The systems by which neighborhood associations and municipal officials had previously policed the distribution of excise licenses, such as the Excise Reform Association of Dorman B. Eaton, which had managed to “prevent the issuance of an excessive number of licenses, or the licensing of men of bad character, and to compel a certain decency in the management of places licensed to sell liquor,” were disempowered once the Raines Law went into effect (Peters 1918, 347). One COF member, the distinguished publisher, George H. Putnam (1923, 351–352), summarized this development in his one of his memoirs:

The managers of a number of saloons wishing to secure the privilege of carrying on their trade on Sundays and after midnight on weekdays, arranged to meet, in form at least, the requirements of the [Raines] law so that their saloons could be classed as “hotels.” They provided the requisite number of bedrooms ... and they provided also that food should always be served with the drink sold. The latter requirement was met by having on the table a perpetual sandwich which the

⁸³ “To cover the cost of the ten bedrooms, kitchen and dining-room” required to meet the definition of a hotel, “the proprietors were obliged to obtain some revenue from these rooms. In almost all cases there was no actual demand for such hotel accommodations; the result was that the great majority of these ‘hotels’ became houses of assignation or prostitution.” Peters 1908, 88.

regular visitor was of course experienced enough to let alone, but for which he had to make payment.

The addition of six or more bedrooms to a drinking saloon involved an expense that had to be met in some fashion; and as a result these Raines Law buildings came to be little more than houses of assignation.

The upshot, as one article put it, was “the promotion of prostitution, the extension of opportunities for it, the increased ease of solicitation and incitement, the exposure of the young of either sex to demoralization,” and the creation of “centres of corruption ranging from houses of assignation to still worse and almost indescribable places,” most of which could not turn a profit without catering to lawlessness.⁸⁴ By 1906, Peters admitted that “the evil of the Raines law hotels” had “assumed such enormous proportions that even were the Excise Department to be administered with a view not merely to selling licenses but also to enforcing the law it would find itself quite unable to cope with” the problem.⁸⁵ Because the Raines Law hotels were located mainly in residential and tenement-heavy districts, they represented a grave new “phase” of evil in the eyes of New York’s reformers and came to be seen as the main “means of debauching the young of both sexes” (Peters 1908, 88). Even the Upper West Side of Manhattan, an area “hitherto practically exempt from prostitution,” was “soon overrun, like the rest of the city, by prostitutes” (Peters 1918, 353). Progressive and conservative reformers alike recognized that the rise of Raines Law hotels was largely the unforeseen outcome of a

⁸⁴ “The Raines Law Hotel Bill,” *New York Times*, April 9, 1905, <https://nyti.ms/3EayWFf>. See “Enlists Jerome in War on Raines Law Hotels,” *New York Times*, October 8, 1905, <https://nyti.ms/3vk7LXH>. On links between liquor sales and “the social evil,” see Kneeland 1916a.

⁸⁵ John P. Peters, letter to the editor, “The Liquor Traffic,” *Sun* (New York), March 30, 1906, <https://chroniclingamerica.loc.gov/lccn/sn83030272/1906-03-30/ed-1/seq-6/>.

miscalculated attempt by legislators to regulate vice (Fronc 2009, 39–40). A law intended to curb vice by restricting sale of alcohol on Sundays to hotels had incentivized proprietors to seek extra profits by “catering to vice.”

Second, the police, courts, and municipal authorities had no plan to eradicate these disorderly “pseudo-hotels.” The excise department’s licensing protocols valued revenue maximization above all else. The Excise commissioner had no discretionary authority to deny a license to an applicant, meaning the commissioner had to provide one so long as the application was correctly filled out even if the proprietor was a well-known profiter from vice. Proprietors whose licenses were revoked after a conviction in court could immediately apply for a new license. What’s more, the commissioner was in practice then obligated to provide the license, so long as the application was properly submitted (Peters 1908, 87–88).

This way of proceeding ensured maximization of revenue at the expense of social control.⁸⁶ Police did conduct raids. But raids did not change business practices because they were sporadic and rarely threatened profitability or resulted in bankruptcy, and were instead reckoned as part of the cost of doing business. In the COF’s view, the fines

⁸⁶ “The investigation of the Committee of Fourteen had shown that the excise department was run for revenue as its chief object. The courts, in a case brought to test the constitutionality of the Raines law, had adjudged that law constitutional only as a police measure. The excise department, however, had administered it as a revenue measure, with the object of securing as much profit of possible out of the sale of licenses.” Peters 1908, 89.

imposed via police activity resulting amounted to little more than an extra-legal licensing system.⁸⁷ Mara L. Keire (2001, 19) summarizes:

Since police raids did not permanently close the houses, and madams apparently budgeted for fines in much the same way that legal businesses anticipated quarterly tax payments, urban Progressives contended that criminal law was insufficient for eradicating the business of vice. Moreover, anti-vice reformers maintained, the revenue from police raids had become such an integral part of municipal budgets that criminal proceedings were, in fact, perpetuating the system of tolerated vice.

Meanwhile, though representatives of the Brewers' Association, the powerful commercial organization that represented the collective interests of the dominant production and distribution enterprises active in New York's liquor trade, fully recognized that the abundance of disorderly hotels presented an economic risk that compromised the long-term health of their industry, their efforts to self-regulate nevertheless consistently ran afoul of the exigencies of market competition.⁸⁸ As Alger (1909, 28) put it, competition in some industrial fields was "very intense," so much so that "the practical difficulty standing in the way of the well-intentioned employer who wants to treat his employees fairly seems almost insuperable." What was needed if

⁸⁷ "The excise commissioner had been in the habit of practically granting extra-legal licenses to brothel-hotels and the like, in consideration of the payment at certain intervals of an extra fee, disguised as a penalty." Peters 1908, 89–90. See also Miner 1912, 132.

⁸⁸ "Those engaged in the liquor trade, whether producers, wholesalers or retailers, admit individually and officially that the saloon improperly conducted, increases the temptations and opportunities for sexual immorality. For this reason they admit that it is a genuine danger to their business and the trade leaders have united to wipe out the evil." Frederick H. Whitin, manuscript, "The Saloon and the Social Evil," no date, File: "Writings by FH Whitin," Box 83, C14. It was, in Reverend Peters' words, "the compulsion of competition" that had pushed a great number of saloonkeepers "who originally meant to be decent" to convert their saloons into "bawdy houses" and "so-called hotels." Peters 1918, 353.

industry was going to survive reputationally and materially into the future was a neutral, outside entity that could translate informal promises of good behavior into binding agreements. These agreements could not function without their being enforced by way of socially valid, neutral tools of surveillance and discipline.

The main tool of discipline used by the COF was the Protest List. With this blacklist, which was informed by undercover investigations and updated annually by the COF's members in concert with representatives of the Brewers' Association, the knowledge produced by the COF's detectives was transformed into an "objective" or at least socially valid record of the drinking establishments' moral character. An enterprise's standing on the blacklist directly impacted its profitability. Brewers were harshly discouraged from lending at all to places marked as "disorderly," whose proprietors had to seek alternative sources of credit usually at much higher rates.

Most companies operating in the city eventually came to work in step with this policy by refusing bonds to proprietors of these places. Proprietors who were shut out had to seek out alternative means to secure the surety bond needed for the license application, usually at much higher premiums reflecting the higher risk. Peters explained the disciplinary mechanism whereby surety companies were pressured to play ball with the protest list. By making it "as difficult as possible" for disorderly places to attain a bond, and by punishing companies that broke ranks, the COF could "urge, and ... make it to the interest of, the surety companies to refuse to write...objectionable bonds" (Peters 1908, 94-95). Establishments rated in the middling category of "questionable" were only to be dealt with in special, limited ways and with ample oversight.

The COF acted according to the belief that the best way to control prostitution and combat other commercialized “vices” perceived to negatively impact the public by provoking “promiscuity,” changing popular attitudes towards sex and the family (especially among young white ethnic working women) for the worse, exposing children and adolescents to immorality and vice in tenements and public spaces, encouraging “dangerous” interracial sociality and sexual intimacy across the color line, and so on, was to undermine the *profitability* of and increase the risks associated with engaging in undesirable commercial practices, practices believed to exacerbate or produce dangerous behaviors and demoralized sensibilities. This impulse the COF inherited from its predecessor organization, the Committee of Fifteen, whose members constantly emphasized the need to render vice unprofitable through police and legal reforms (Felt 1973).⁸⁹

For social hygiene reformers, the threat posed by the social evil in cities like New York and Chicago to American society was cultural, social, and commercial in character. There was of course the lurking menace of revolutionary sentiment, but what drove the COF and other like-minded groups was a type of concern reflective of the more normal arenas of class struggle within capitalist society: concern for social reproduction, for the maintenance of the future physical, moral, and mental health of the mass of the working population. This concern motivated the COF and its conspirators to negotiate over who

⁸⁹ “The gambling business, threatened and interrupted, has ceased ... to be profitable in the City of New York, either to those directly engaged in it or to those who indirectly derive from it a large share of their revenue.” “Committee of Fifteen Reports on its Work,” *New York Times*, April 12, 1901, <https://nyti.ms/3FZnQVa>.

was permitted to sell what to whom, under what conditions, and under what mechanisms of supervision.

Law, Punishment, and the Causes of Commercial Sexual Vice

By prostitution is meant mercenary and promiscuous sexual relations, without affection, and without mutual responsibility.... Its object is on the one side pecuniary gain, on the other side the exercise of physical lust. It is the conversion of men into brutes, and of women into machines.

—Elizabeth Blackwell 1882, 38

In advocating for changes to policy and law enforcement protocols, engaging in surveillance and disciplinary practices, and generating useful information through undercover investigation, the COF intervened in and worked over the composition of the capitalist class by altering *standards of respectability* as they manifested in the business world, especially in the areas of property ownership and liquor and credit dealing. “Very reputable property holders knowingly lease their property for immoral purposes,” wrote John P. Peters in 1908, “because in that way they can secure a larger return” (Peters 1908, 96).⁹⁰ By publicly criticizing such objectionable revenue-generating practices on moral and economic grounds, arguing that they ultimately harmed the health of the economy and the total welfare of society by facilitating immorality, Peters and other members of the COF hoped to make profiting from vice less socially acceptable amongst

⁹⁰ The COF also found that some tenement houses were “built with the avowed purpose of being rented to disorderly men and women, with a few other families to lend respectability,” since such tenants could be charged up to twice as much as regular tenants and paid by the week instead of the month. Baldwin, Kellor, and Simkhovitch 1910, 19.

bourgeois circles.⁹¹ And, by finding ways to close down and/or control “disorderly resorts,” the COF hoped to demonstrate both that commercial leisure establishments and property owners did not have to cater to “vice” in order to reap profits and that those individuals and enterprises who did transgress the standards of respectable conduct projected by the COF and its confederates, or who did business with other individuals or enterprises that stepped out of line, would feel the sting in their pocketbooks in ways that were previously unthinkable under the official regime of municipal policing that existed prior to its arrival on the scene.

The “unreasonably complex” evidence required to secure a misdemeanor conviction against a disorderly hotel in the city’s criminal courts was, in Frederick Whitin’s words, “based on the *supposed* necessity of ‘protecting property interests’” (Whitin 1912, 23). Whitin emphasized that by one-sidedly serving “property interests” the courts were limiting society’s ability to protect itself from harmful influences. Allowing the interest of property owners to dictate the shape of the law and its enforcement was a mistake, as their concern for the broader health of the social body would always be conditioned by their awareness of the pressures competition and the need to maximize profits within their own narrow economic field. The courts, argued Whitin, should take “a broader and more social view,” when it came to fighting commercialized vice, “realizing that any reasonable suspicion that property is being used

⁹¹ This way of proceeding had its roots in the religious reform movements and folk revival traditions of the early twentieth century. P. T. Barnum, for one, famously publicly condemned the practice of seeking profits from prostitution as predatory, though historians now believe Barnum himself to have both owned a property used as a brothel and known of the property’s “immoral” usage. Gilfoyle 2009.

for an immoral purpose should be sufficient for the imposition of those penalties which the law provides for such crimes” (Whitin 1912, 28). In ways such as this, the COF’s members tended to personalize and/or moralize the dynamics of capital accumulation and industrial production/exchange by highlighting the harms inflicted by the self-serving practices of certain vested interests and institutions of governance. It was the duty of the state to protect the health of the social body conceived as a whole, not to gird particular big business interests with undue political influence and protection (Keire 2001, 12).⁹² In this way the COF and the business interests that cooperated with or funded its work (wealthy philanthropists, brewers, surety companies, etc.) intervened in the struggle over whose interests the bourgeois state and its institutions should work to protect, and to defend the “neutral” state against its perceived capture by or flaccidity in the face of powerful, self-serving private powers that cared little for outcomes at the level of the class formation considered as a whole.

To achieve the vision of a properly functioning free market society purified of corrupting influences of vice associated with cheap amusements would require numerous ideological and structural changes in the law and its enforcement. In Whitin’s view, these included the “removal of the technical difficulties of entrapment” in cases of suspected prostitution and the criminalization of sex workers’ customers, making it “as much a

⁹² As Peters once expounded in an interview, “While brewers and distillers and saloon keepers may be interested in bad liquor laws and bad enforcement of those laws, were they the only enemies to be dealt with, the situation would be simple.... [T]he roots of the [liquor] evil lay in the political needs of great business interests, public service corporations, and the like.” Peters, quoted in “Church’s Alliance with Money Alienated the Masses,” *New York Times Magazine*, June 18, 1911, <https://nyti.ms/3ISJ3Cb>.

crime to buy as it is to sell,” to ensure the men “run as great a risk of punishment as the women,” via fornication laws (Whitin 1923, 661–662).⁹³ Moreover, by removing the entrapment defense and loosening the evidence required to obtain a conviction, argued the COF, the unpopular practice of regularly exposing corruptible police detectives to dangerous immoral influences could be eliminated.⁹⁴

It is important to note that the COF judged a place to be badly run “not just if disorder was *observed* but also if it could be *created*,” ignoring the ethical challenges associated with entrapment (Fronc 2006, 21). As Gary Marx (1988, 30) points out, the problem of where and how to draw the “distinction between being corrupt and being corruptible” comprises an “occurring dilemma of covert practices.” The COF and its corporate partners authorized themselves and their agents to determine this distinction (or ignore it when expedient) on the grounds that evidence of many forms of lawlessness and

⁹³ “Vice Still Is Found in ‘Cleanest City,’” *New York Herald*, April 3, 1922, <https://chroniclingamerica.loc.gov/lccn/sn83045774/1922-04-03/ed-1/seq-7/>. The US Supreme Court recognized the entrapment defense in *Sorrells v. United States*, 287 U.S. 435 (1932). However, many underhanded methods of investigation utilized by police detectives are still protected, including the practice of lying to suspects about forensic evidence during interrogations.

⁹⁴ In response to the argument against the sending of “young officers into disorderly resorts to be participants in disorderly acts” on grounds that in working to close disorderly houses the state should not “degrade young men,” Whitin declared that the courts must either change their evidence standards or otherwise “assume the responsibility for the undoubted temptation to the police witnesses which result from their present requirement of evidence, or accept the responsibility for the continuance of the disorderly places through the refusal of the Police Commissioners to share that other responsibility by ordering their men to be participants in vice and crime.” Whitin 1912, 26, 28.

disorder could not otherwise be obtained.⁹⁵ For his part, Whitin argued that the “removal of the technical difficulties of entrapment,” which delimited “the punishing of those who were *induced* to commit prostitution,” was a necessary step in the direction of progress, since “the woman or girl who would fall for the inducements of the police officer would similarly fall for those made by the civilian, and the girl who would so fall needs care and supervision, and, in a great majority of cases, undoubtedly needs medical attention” (Whitin 1923, 661).

As one among many entrants in this contest over what interest the bourgeois state should work to protect and how it should accomplish this protection, the COF wielded its beliefs about the proper role of the state over and against those of other private reform groups whose social views, goals, and values deviated from those of the COF. A prime example of this can be found in how the COF advanced its war on vice in part by using methods of Jim Crow segregation, methods that directly disregarded the nominally protected rights of the city’s Black and African American residents, business owners, and visitors. This policy was premised and defended on the grounds that fighting immorality (i.e., preventing interracial sexual and social relations amongst the working classes) was more important than upholding legal protections against racial segregation. As Whitin put it in a letter to W. E. B. Du Bois defending the approach, “disorderly is worse than discrimination” (quoted in Fronc 2009, 17; see Hartman 2019, 248). Though illegal,

⁹⁵ Notably, the tenement house law was amended in 1913 to shift the burden of proof onto the property owner in instances where two convictions for prostitution occur in the same building within six months. Owners now had to prove they “had taken reasonable precautions and maintained proper conditions” in their properties. Whitin 1923, 659.

enforcement of Jim Crow was yet preferable to the prospect of allowing working-class residents and visitors to transgress the “color line.”

Some Black business leaders and spokespeople (or recognized as such by white authorities) tactically aligned with the COF and other police entities as part of their employment of the strategy of legalism, an uplift approach that worked to displace the blame for criminality commonly placed on Black people onto “police malfeasance” and the “unlawful behavior of blacks *and* whites,” even as it somewhat paradoxically framed some Black “self-protection efforts as criminal activity” (emphasis added, King 2011, 759). This respectability-based pragmatic approach built on the politics of accommodation popularized by Booker T. Washington at the turn of the century. It offered certain tactical possibilities. It enabled certain factions of the Black community to demonstrate a desire for public safety and respectability to white bourgeois society while influencing the national narrative regarding urban crime and Black identity in positive directions. But it was a devil’s bargain to the extent that it accommodated and even lent credibility to extra-legal segregationist efforts of white elite societies like the COF (Fronc 2009, 111–122). As the so-called “Great Migration” from various locations in the American South and Global South continued in the 1920s and 1930s (Ovington 1911; Sacks 2006, 4, 6–7, 17–18), Harlem and other predominantly Black neighborhoods emerged as key sites for the advancement of grassroots anti-racist and feminist politics, and for the development of creative community self-defense practices that went on to inform postwar political strategies and theories (King 2015). Harlem grew to be a central space of nighttime leisure culture and one of the nation’s most recognizable furnished

room district in the 1920s (Robertson, White, Garten, and White 2012). The COF and police authorities generally were eventually able to penetrate the emergent, segregated spaces of Black leisure thriving under the radar during the early years of prohibition only because Black uplift organizations like the New York Urban League assisted them in locating members of the city's small Black middle class willing to work as undercover investigators and train a force of Black police officers in covert surveillance tactics (Robertson 2009, 488).

The success of other reform organizations with whom the COF were allied in spirit could also in some cases work to undermine the COF's work if the tactics utilized were mutually exclusionary. As Ruth Wilson Gilmore notes, "states are institutions made up of substitutions that often work at cross-purposes, but that get direction from the prevailing platforms and priorities of the current government" (Gilmore 2007, 28). The many legislative victories secured by the Anti-Saloon League during the war, for instance, which resulted in the passage of the Eighteenth Amendment, effectively rendered the COF's preferred method of regulating drinking establishments obsolete, pivoting as it did on control over the distribution of saloon-keeper's excise licenses (Keire 1997).

In addition to the struggles over social values of the sort waged between the COF and anti-segregationist reformers like Du Bois, the COF's methods of investigation themselves provoked much controversy and concern. The question of what enforcement and legal tools were justified, even given shared values and goals, was another important ideological and practical site of class struggle. By extending the disciplinary reach of the

state's police and surveillance powers beyond the institutions of government and reinterpreting the meaning of written law, the COF enabled not only forms of policing that were otherwise impossible but also a deeper degree of penetration into the everyday life of the mass of the population.⁹⁶

The COF was a surveillance machine designed to tip the scales of power/knowledge by altering the distribution of knowledge in society, by intervening in the question of “‘who knows what *about* whom’ and ‘who knows what *compared to* whom’” (Meyrowitz 2009, 35). Its members asserted that the public—or, more accurately, a small, privately funded body capable of representing the public's best interests better than the public could do through democratic means—had the *right to know* intimate knowledge about the “private” conduct and attitudes of a wide range of social actors, proprietors, tenement house owners, entertainers, waiters, taxi dancers, shopgirls, “slummers,” streetcar conductors, cabbies, steamboat crews, and a variety of other working people of various ethnicities, origins, and professions, even if such knowledge could only be attained through deceptive means. Its agents worked to produce detailed, up-to-date knowledge about the private and social lives of the mass of the working population, often without the direct knowledge of those under observation, and

⁹⁶ Whitin once commented in a letter to the editor of the *New York Times* that the COF was in many instances able to “correct conditions which do not of themselves constitute a violation of the penal law.” Frederick H. Whitin, letter to the editor, “Complaints About Saloons,” *New York Times*, November 9, 1913, <https://nyti.ms/3riNpfO>.

in the process altering from above who has the right to know what about the lives and futures of which members of the social body.⁹⁷

To produce useful knowledge of the sort required for the smooth operation of the COF's policing system, methods had to be utilized that, in a move regarded as hypocritical by some, exposed investigators regularly to the very forms of immorality reformers believed to be corruptive of moral character. The COF understood that the methods required to collect evidence for a criminal case against disorderly houses exposed police detectives to "degrading and demoralizing influences," and recognized that the Excise commissioner was "averse to ordering his agents to secure the evidence necessary for a successful criminal case" because of the risk to their reputations (Baldwin, Kellor, and Simkhovitch 1910, 15, 50).

Did not engaging in manipulative techniques that involved lying and offers to engage in prostitution corrupt the investigators? "I find it quite impossible to approve a method which involves lying and an offer to commit prostitution," wrote Paul L. Blakely, editor of the Catholic weekly *America*, to Frederick Whitin in 1923. "Nor does the defense that otherwise conviction cannot be secured seem valid," continued Blakely, since this logic implied "that if the intention be good, it is allowable to do what is bad."⁹⁸ In his response to Blakely, Whitin defended the social necessity of using "morally

⁹⁷ Here I rework a formulation by prominent anthropologist and media critic, Shoshana Zuboff. See "Shoshana Zuboff: Facebook, Google, and a Dark Age of Surveillance Capitalism," *Financial Times*, January 25, 2019, <https://on.ft.com/3dmBOM9>.

⁹⁸ Paul L. Blakely to Frederick H. Whitin, 27 February 1923, File: "A (general)," Box 9, C14.

questionable methods,” of using undercover techniques to entrap offenders of the law and decency:

Does it not come down finally to the question of how much evil shall be tolerated which cannot be suppressed, except as measures which are morally questionable are used? The fundamental difficulty is the Anglo-Saxon principle that no one shall be found guilty until proved beyond reasonable doubt, and the holding of the courts that they will not convict except upon conclusive evidence.⁹⁹

It was also true at a fundamental level that the knowledge produced by the COF was not being reliably produced by the police or by any other governmental authority, partly because of payoff schemes and partly because of the moral hazard such work posed to officers. If the bourgeoisie wanted access to reliable knowledge about the social relations of the working class, it was up to civic organizations to produce it, and only by using morally objectionable undercover techniques could such knowledge be generated at scale.

The COF’s members also engaged in the debate about who the state should protect at the level of economic theory, arguing that the state’s primary function should be to protect the population from temptation and predation by corrupt business interests, partly by criminalizing immoral practices and partly by providing economic and sexual education and clean forms of amusement to the mass of the population. Notably, Frederick Whitin was directly linked to the conservative sexual education movement through his wife, Olive Crosby, the “zealous, efficient” executive secretary for the

⁹⁹ Frederick H. Whitin to Paul L. Blakely, 1 March 1923, File: “A (general),” Box 9, C14.

Society of Sanitary and Moral Prophylaxis,¹⁰⁰ a group Peters (1918, 366) once described as the COF's "very twin, born in the same year and from the same impulses." If the state carried out this decency-generating function effectively, then government would hardly ever need to engage in any direct interventions into the economy, which could otherwise be allowed to run automatically according to market forces of supply and demand.

In a 1915 memorandum submitted to the New York (State) Factory Investigating Commission, Whitin downplayed the potential utility of minimum wage legislation for women and girls in the fight to eliminate vice, emphasizing that the "first aim should be to make its citizens so industrially competent that they may be economically self-sustaining and so independent. The State should remove all hindrances to individual success but should not remove the incentive of necessity and competition" (Whitin 1915, 417). Great as it may be, the state's responsibility to provision the public was limited always by the requirements of capital, including "the incentive of necessity," i.e., the background need experienced by the mass of the population to work for wages to survive. If low wages were needed for the free play of forces of competition, the state should not step in to curb this competition. By advancing this argument, Whitin sought to contest the views of vice commissions and good-government reform societies around the country who had grown sympathetic to the idea of using minimum wage laws to solve the "vice" problem, such as the Illinois Senatorial Vice Commission, whose conclusions to this

¹⁰⁰ Pedersen 1915, 130. Pedersen, head of this Society, became a member of the COF starting in the period 1912–1913, after the latter's reorganization for broader anti-vice work. See also Keyes 1914, 65; Crosby 1914; "Olive Crosby A Bride," *New York Times*, December 7, 1914, <https://nyti.ms/3pLRGWL>. Whitin served on the Society's committee on legislation.

effect had received extensive national press coverage.¹⁰¹ Katherine Bement Davis of New York's Bedford Hills women's prison agreed with Whitin, writing in the same 1915 memorandum that based on her experience a minimum wage would "not tend to keep the women out of the life of crime" (Davis 1915, 390–391).¹⁰² This argument resonated with the stated views of many of the nation's leading industrialists, financiers, managers, industrial educators, and merchants, but it was also common amongst America's foremost early minimum wage advocates, figures like Florence Kelley, who similarly accentuated the existence of a causal disconnect between low wages paid to women and

¹⁰¹ "Thinks \$8 a Week Enough for a Girl: Chicago Merchant and Woman Employees Differ Widely Before Vice Commission," *New York Times*, March 8, 1913, <https://nyti.ms/3pTYoen>; "'Immorality Is A State of Mind' Says Merchant," *Santa Fe New Mexican*, March 10, 1913, <https://chroniclingamerica.loc.gov/lccn/sn84020630/1913-03-10/ed-1/seq-1/>; "Illinois Vice Board Appeals to Nation," *New York Times*, March 11, 1913, <https://nyti.ms/3eRMgEq>; "Finds Low Wags Main Cause of Vice," *New York Times*, March 12, 1913, <https://nyti.ms/3E4fH0P>; "Twelve States Join Illinois Vice Fight," *New York Times*, March 13, 1913, <https://nyti.ms/3zy6qgb>; "Anti-Vice Crusade Spreads," *New York Times*, March 13, 1913, <https://nyti.ms/3PamBI1>; "Wages and Morality," *Washington Times* (Washington, D.C.), March 14, 1913, <https://chroniclingamerica.loc.gov/lccn/sn84026749/1913-03-14/ed-1/seq-10/>; Don Mac Gregor, "The Sensational Ignorance of Those Who Would Defeat the Minimum Wage Law," *Day Book* (Chicago), June 2, 1913, <https://chroniclingamerica.loc.gov/lccn/sn83045487/1913-06-02/ed-1/seq-1/>.

¹⁰² On the racial and class biases of Davis and how these shaped her views on penal systems and punishments for women, see Lilley, Leon, and Bowler 2019, 36–40. As part of his efforts in connection with the Bureau of Social Hygiene, John D. Rockefeller, Jr. founded a "laboratory of social hygiene" at Bedford Hills devoted to the study inmates' mental and psychological health. Knowledge produced in this experimental facility was incorporated into numerous policy debates regarding the causes of vice, the relationship between low wages paid to women and girls and sexual immorality, the prevalence of "venereal diseases" among the working population, and state care of the mentally, socially, or physically "defective" and/or "feeble-minded" women and girls. Kneeland 1913, 177, 188; Davis 1915; Reynolds 1915, 413; Turner 1916.

the spread of “the social evil” (Gault 1913, 323–325; McCammon 1995, 218, 225–226).¹⁰³ Whitin stressed that the real moral concern was tied more directly to *men*’s low wages, or what he called an insufficient “family wage” considered as a whole, and not to the wages of women and girls considered as independent economic agents (Whitin 1915). For Whitin, to hold view that female workers could be independent economic agents just like men was not only to deny the reality that many women and adolescents’ wages were indeed absorbed into the family coffers and treated as part of a collective pot, but also, and much more importantly, it was to break with the belief in the essential value of the heteropatriarchal family to the stability of the industrial family.

Whitin’s argument about wages was simultaneously designed to counter the narrative popularized by anarchists and radical feminists like Emma Goldman. While both Progressives and radicals claimed to take a sympathetic view towards working girls, working-class revolutionaries and free love advocates directly blamed the prevalence of prostitution on the capitalistic exploitation of the low-paid labor of women and girls, and on the harmful effects of the policies criminalizing sex work advocated by the COF and its Progressive allies. For instance, the anarchist pamphleteer and women’s rights

¹⁰³ Henry Siegel, “Minimum Wage An Evil,” *Sun* (New York), March 16, 1913, <https://chroniclingamerica.loc.gov/lccn/sn83030272/1913-03-16/ed-1/seq-75/>; Florence M. Marshall, “Efficiency the Cure,” *Sun* (New York), March 16, 1913, <https://chroniclingamerica.loc.gov/lccn/sn83030272/1913-03-16/ed-1/seq-75/>; “Says Minimum Wage Battle Is Fought Along Wrong Lines,” *New-York Tribune*, April 6, 1913, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1913-04-06/ed-1/seq-64/>; “Higher Pay for Men, Not Women, Is Plea,” *Sun*, June 7, 1913, <https://chroniclingamerica.loc.gov/lccn/sn83030272/1913-06-07/ed-1/seq-4/>; “Florence Kelley’s Views on Minimum Wage Legislation,” *New-York Tribune*, February 28, 1915, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1915-02-28/ed-1/seq-31/>.

advocate Emma Goldman wrote in a 1910 essay critical of the Mann Act that the true cause of “the trade in women” of all races was “exploitation...the merciless Moloch of capitalism that fattens on underpaid labor, thus driving thousands of women and girls into prostitution.” Goldman also charged that the so-called cadet system that scandalized the COF and other members of polite society was in large part a *product* of “sporadic crusades against the social evil” (Goldman 2002, 10, 18).¹⁰⁴

Though Goldman’s argument was radical, it was grounded in the academic work of prominent sexologists like British eugenicist Havelock Ellis, and echoed a position embraced by some members of the city’s enlightened bourgeoisie. Columbia professor of political economy Henry Rogers Seager, for instance, argued in favor of a national minimum wage on the grounds that while most businesses paid living wages, when unchecked competition in certain sectors of the labor market results in starvation wages, as appeared to be the case in many department stores and domestic services in America’s cities, working women would either engage in regular or intermittent prostitution to bring their pay up to livable levels (something Goldman herself did briefly) or, sometimes, “die of lack of nutrition and worry.” By preventing the “distinct injury” resulting to individuals and society as a whole, contended Seager, who was a member of the Greenwich House Committee on Social Investigations along with E. R. A. Seligman,

¹⁰⁴ In the opinion of COF member Maude E. Miner, the use of the term “cadet” by journalists, social scientists, and commentators in the popular press was improper when speaking of pimping due to its established meaning within the military context, even as the COF’s own research committee contributed to this popular usage in its widely distributed, groundbreaking 1910 study, *The Social Evil in New York City*. Miner 1916, 91.

Franz Boas, Vladimir G. Simkhovitch, Livingston Farrand, Franklin H. Giddings, and Edward T. Devine, a minimum wage would be “as much a measure of protection for society as of help for those people who are, in a sense, the victims of society.”¹⁰⁵

Writing in the same memorandum discussed above, COF member Maude E. Miner similarly emphasized that the wage rate for women and girls was so low that it left them with “no margin of saving for the time of unemployment” and “no chance for wholesome recreation and some of the little luxuries which the girlish heart craves”; thus the low wage was “a force that tends to bring the girl who lacks the defenses of moral stamina and high ideals, and who has already taken the first steps in a life of immorality, into the abyss of prostitution” (Miner 1915, 410). Mary K. Simkhovitch elaborated upon Miner’s point, emphasizing the consequences of this production of immorality were significant, even if a “direct” causal connection between low wages and prostitution could not be established:

[F]or a girl to receive less than a living wage will result disastrously for the girl and for society. The low-wage girl has no margin for recreation, she cannot dress well and hence can't get better positions, she is dependent upon her family (in which case very often family friction arises) or she is dependent upon the charity of private individuals or societies, or (and this is the most likely and inevitable) the girl skimps herself on food and goes downhill physically. This means she is likely ... to become a public charge or in the case of marriage to become an invalid wife and the mother of physically inferior children. From the point of view of social efficiency ... there can be no greater disaster than this (Simkhovitch 1915, 414).

¹⁰⁵ Henry R. Seager, quoted in “Warns Against Hurried Passage of Minimum Wage Laws,” *New York Times*, April 27, 1913, <https://nyti.ms/3xyZy1f>. See also “Wage Rate for Women, Theme of Discussion,” *Evening Star* (Washington, DC), March 13, 1915, <https://chroniclingamerica.loc.gov/lccn/sn83045462/1915-03-13/ed-1/seq-9/>; Kerr 1976, 381.

In her monumental 1917 book, *The City Worker's World in America*, Simkhovitch further articulated the logic implied in her interpretation of the value of a “living wage” to American society, identifying in the process some of the broader Progressive goals flowing from this undergirding logic of social protection:

Capital desires cheap labour. The labour unions desire to build up a high wage scale and a high standard of living. As long as there is a real demand for labour in excess of our population there is a real need for new labourers. But when this supply of labour fails to flow freely and becomes clotted in centres a local lowering of wage is the result. It is in the great centres, too, that many of the most insanitary conditions prevail. Notwithstanding the great revival of the past decade, ... only a beginning has been made in the process of socialisation by which each child shall be secured an education fitted to its needs in the modern world, a strong body untired by premature toil and a personal energy acquired through adequate self-expression in play; by which each woman shall be treasured in her double capacity as the bearer of the race and as a personality whose self-expression is important for the organic life of modern society; and by which each man shall be assured in his work of an income on which he and his family can not only survive but also prove assets to society, and shall also be immune from the exhausting and cruel fear of accident and old age, through the development of some form of social insurance, whether public, private, or a combination of both, against these ills (Simkhovitch 1917b, 19–20).

In these intellectual debates about the cases of prostitution and commercial vice, debates in which COF members were often active or even prominent participants, we can sense the contours of a discourse concerning what is *socially necessary* for the smooth functioning of society and the continual reproduction of capital-labor relations.

Protecting Market Society

Society must protect its members and should not permit them to be improperly tempted.... The State should protect its citizens as far as possible for all temptations.

—Frederick Whitin¹⁰⁶

¹⁰⁶ Frederick H. Whitin, edited manuscript, “The Saloon and the Social Evil,” no date, File: “Writings by FH Whitin,” Box 83, C14.

Drawing on mainstream anti-trust rhetoric, the COF argued again and again that the bourgeois state should not impede competition directly, but should root out distortions in the market, “abnormal stimulations” in supply and demand, especially in consideration of the risks to the working population posed by certain areas of commerce such as the liquor and sex trades.¹⁰⁷ In a context where every advance in urbanization and industrial relations clashed directly with the pre-existing structures of feeling and undermined traditional norms of gender, race, family, political power structures, environmental conditions, employee-employer relations, and so on, defining which forms of demand are abnormal is expressed as a moral question. In practice, attempts to shape social norms through policing are cost constrained and therefore always targeted according to a particular hierarchy of priorities.

This argument dovetailed nicely with positions expressed by many of the nation’s Progressive amusement and parks reformers. This overlap is unsurprising, given that the COF was an influential player in the nation’s playground reform movement, as shown by the fact that Frederick Whitin was a founding member of Belle Lindner Israels’ Committee of Amusement and Vacation Resources of Working Girls.¹⁰⁸ As Israels

¹⁰⁷ Baldwin, Kellor, and Simkhovitch 1910, 66–67. An even more fundamental factor stimulating demand for prostitution within saloons, in the COF’s view, was liquor, which was “sold especially [*sic*] to stimulate the desires of the men while its use makes the women possibly attractive.” Frederick H. Whitin, manuscript, “The Saloon and the Social Evil,” no date, File: “Writings by FH Whitin,” Box 83, C14.

¹⁰⁸ “Model Dance Halls,” *New-York Tribune*, February 17, 1909, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1909-02-17/ed-1/seq-5/>; “Planning Vacations for Working Girls,” *New York Times*, July 11, 1909, <https://nyti.ms/3d26Zo6>. Belle Lindner Israels later served as a member of the COF beginning in 1912 along with her husband, Henry Moskowitz, a leading social worker and president of the municipal

argued in her influential essay in *The Survey*, “The Way of the Girl,” “You cannot dance night after night, held in the closest of sensual embraces, with every effort made in the style of dancing to appeal to the worst that is in you, and remain unshaken by it” (Israels 1909, 495).¹⁰⁹ In an unpublished report that served as the basis for some of Israels’s account in “The Way of the Girl,” investigator Julia Schoenfeld, who investigated conditions in dance halls, excursion boats, dance academies, and other amusement spaces around the city, elaborated on this point:

civil service commission of New York. See “Dr. Moskowitz Weds Mrs. B. L. Israels,” *New York Times* November 23, 1914, <https://nyti.ms/3ygCWTf>.

¹⁰⁹ “Instinct prompts the working girl to break away from the constraint of her cramped, unemotional life. Her moral vigilance is broken down by the infectious music, the hot room and the drinks served during intermission if she goes to the amusement places most accessible.” Belle Lindner Israels quoted in “Dance Halls to Prove Vice Is Not Fun’s Real Comrade,” *New-York Tribune*, December 22, 1912, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1912-12-22/ed-1/seq-24/>. Israels (later Belle L. Moskowitz) became a prominent political advisor, serving first in New York City Mayor John Purroy Mitchel’s administration and later becoming a key advisor to Democratic Governor Alfred E. Smith—during which time, according to a front-page article mourning her death in the *Times*, she “wielded more political power than any other woman in the United States.” “Mrs. Moskowitz, Smith Aide, Dies,” *New York Times*, January 3, 1933, <https://nyti.ms/3ydd9LZ>. She was one of the most prominent social workers of the early twentieth century. Born in Harlem in 1877, she founded the Lakeview Home for Girls, a hybrid welfare/penal institution used as an alternative to the workhouse by the courts to incarcerate, care for, or reform “delinquent girls,” including young girls who were pregnant outside of wedlock. In addition establishing the influential Committee of Amusement Resources for Working Girls and being a member of the COF, she also was active in other private reform initiatives including the Council of Jewish Women and the Travelers’ Aid Society, and was at various points in her life manager of the labor department of the Dress and Waist Manufacturers Association (an especially important and high-profile organization in the wake of the tragic 1911 Triangle Shirtwaist Company factory fire), secretary of the Mayor’s committee on National Defense, special advisor to the State Department of Labor, and director of the Women’s City Club.

I found that vulgar dancing exists everywhere, and ... a form of dancing requiring much twirling and twisting, and one that particularly causes sexual excitement, is popular.... The desire for popularity, the coarse language and the vulgarity of many, the easily familiarity in the dance practiced by nearly all the men in the way they handle the girls, deadens after a while the sensibilities of even the finest girl. Going to a place constantly where the greater number lack restraint and refinement, the girl becomes inured, so that whatever first shocked her does not seem so terrible.¹¹⁰

Even if participation in certain objectionable styles of dance did not automatically “mean that these girls become prostitutes,” it did tend to sort them into “one of the many hundred classes into which the social evil divides” (Israels 1909, 495).¹¹¹ Since it was the forms of dance and the environment in these establishments themselves that caused these results, the dual solution offered in the form of the Dance Hall bill was to place dancing spaces under the supervision of a competent inspectorate and to institute a licensing system.¹¹²

Further, Progressive recreation reformers believed that the corrupting atmosphere of cheap commercial amusements was likely to always be morally injurious to the mass of the population, since pleasure merchants were driven by competition, with its silent compulsion to maximize profits, to serve ever baser desires. But unlike their Victorian anti-amusement predecessors, they also acknowledged that working girls and women had

¹¹⁰ Schoenfeld, quoted in Edwards 1915, 78–79.

¹¹¹ On the supposed social harms of “coarse conversation,” see also Miner 1916, 76, 82.

¹¹² On Israels’s efforts to regulate dance halls in the 1910s in New York and nationally, see “Dance Hall Evils Being Wiped Out,” *New York Times*, May 28, 1910, <https://nyti.ms/3EVgDFr>; Belle Lindner Israels, “Diverting a Pastime,” *Leslie’s Weekly*, July 27, 1911, 94; “Women Aroused by Dance Evils,” *New York Times*, May 27, 1915, <https://nyti.ms/3s5uYeX>; “Take Steps to End Afternoon Dances,” *New York Times*, May 28, 1915, <https://nyti.ms/3m2IH3a>; Perry 1985; Wallace 2017, 469–470.

a legitimate and “natural desire for amusement” (Israels 1909, 487; see also Kirschner 1975, 74–75; Peiss 1986, 178).¹¹³ The increased visibility of women in public amusements corresponded to a valid need for recreation generated by the strain of long hours of work in industrial, domestic, and commercial environments. As Elizabeth Clement (2006, 50) points out, by 1900 “working girls had replaced the prostitute as the symbol of working-class women’s public face.... Not only did women have compelling reasons to be out on the streets, but their identities as wage earners gave them a feeling of self-confidence, which they exhibited by claiming the streets, factories, and stores as legitimate places for them to be.” But working women also usually had their wages confiscated by heads of household and were only rarely allotted a sufficient weekly allowance for recreation.¹¹⁴ This imbalance between demand for amusement and lack of monetary resources constituted the economic foundation for what appeared to reformers as a form of sexual barter known as “treating” or “charity,” or the trading of “dates or

¹¹³ In the words of Frances A. Kellor, who emphasized the rising economic importance of immigrant women workers, “It is one of the crying shames that we expect women, who come here directly after enjoying the freedom of the soil or the small villages” of their homelands, “to be crowded in tenements, to work eight to fourteen hours daily, and for whom no adequate decent amusement places are provided, to stand the moral strain.” Kellor 1908, 253. For Kellor’s estimation of the underappreciated value of immigrant women to industry and national economic success, see Kellor 1907, 401.

¹¹⁴ “Even though they gained a degree of independence through their wage earning, most young women did not get to keep their wages.... While young women had some freedom to move about the city, they had very little money with which to do so.” Clement 2006, 51. As Susan M. Kingsbury of the Women’s Educational and Industrial Union observed in 1910, most working women living at home “turn[ed] in all their earnings to the family purse and receive[d] back only so much as [was] necessary.” Kingsbury 1910, 72. See also Miner 1916, 62.

sexual favors” in exchange for access to a part of men’s wages, and by extension, access to commercialized amusements (Peiss 2004, 16).¹¹⁵

As one activist with the Prisoners’ Association of Montreal wrote in 1919, “many girls sell themselves through direct or indirect economic stress—their wages are shamefully small, and they love dress and want to look pretty and they cannot afford it—for one girl who sells herself for a ribbon, ten girls sell themselves for what a ribbon means, company and pleasure” (Hart 1919, 50). Hence efforts to control existing amusements had to be paired with attempts to provide morally clean, healthy forms of

¹¹⁵ The rise of a relatively sympathetic reform discourse about “charity girls” that exonerated their behavior as a natural outcome of social conditions and male exploitation reflected a broader sea change in public attitudes towards public sexuality and women’s social and economic autonomy, perhaps best exemplified by the rise of the theory of the “companionate marriage” among Progressives in the 1910s. Pliley 2016, 143–144. For contemporary feminist perspectives on the positive cultural value of the cultivation of women’s economic, social, and political independence, see Parsons 1914; Elsie Clews Parsons, “Liberty and Union, One and Inseparable,” *New York Tribune*, February 18, 1917, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1917-02-18/ed-1/seq-40/>; Simkhovitch 1914, 7; Miner 1916, 155–156; Walsh 1917; Parsons 1926, 291–302; Heap 2009, 67. The term “charity” gained popularity in the first decade of the twentieth century as a way of describing young women who, in the unsubtle words of one reformer, Winthrop D. Lane, “were willing to prostitute their bodies but were indignant at the offer of pay.” Lane 1916, 746; see also Buchanan 1919, 526. The “charity girl” trope persisted as a fixture of discourses on sex, social hygiene, and crime in New York City for many decades. See for example “Young Girls Found Menace to Troops,” *New York Times*, February 4, 1943, <https://nyti.ms/31bhJhC>; J. Anthony Lukas, “Control of Prostitution Shifts to Small Operators,” *New York Times*, August 15, 1967, <https://nyti.ms/3lk2V7d>. Interestingly, some prominent turn-of-the-century social scientists argued that the widespread use in America of the label “charity” to describe emergent dating rituals was inappropriate. According to prominent English sexologist and eugenicist Havelock Ellis, for instance, to use the transactional term “charity” to describe shifting practices associated with emergent norms of courtship and nonmarital intimacy was to “accept the prostitute’s standpoint” by framing all the new pleasure-seeking and courtship practices engaged by working women and girls primarily as forms of unwaged competition for paid sex work. Havelock Ellis to Frederick H. Whitin, July 16, 1925, File: “Ellis, Havelock,” Box 11, C14.

diversion to the mass of working girls and women, most of whom had no access to such essential services (Spingarn 1909, 520–521).¹¹⁶

Ernest Stagg Whitin, chairman of the Parks and Playgrounds Committee of the Municipal Arts Society of New York and later chairman of the Bureau of Administration and Information of the National Committee on Prisons¹¹⁷ (and Frederick Whitin’s elder brother), wrote in a 1910 article that the proposed development of Herriman State Park heralded the beginnings of a “great park system which should connect the cities and towns in the state with these pleasure spots where the American spirit may be invigorated by a short return to the habits of the aborigines” (Whitin 1910, 48). Such a sprawling, high quality parks system would “not only make New York State a beautiful garden,” but would also help to “rear a race of men able to cope with the industrial demands which make her rich and powerful in the nation.” Rising industrial labor requirements and urbanization had to be counterbalanced with frontier methods to improve the “race” and

¹¹⁶ “Few Working Girls Can Afford a Rest,” *New York Times*, August 16, 1909, <https://nyti.ms/3KHUr3v>. “Industrial activity demands diversion. Industrial idleness cries out for rational recreation.” Israel 1909, 486. “Girls, mere children, work in crowded, overheated rooms ten to twelve hours daily at a machine, which tends to keep them in a constant over-excited sex state. Many of these girls have no home or comforts of any kind; therefore the street or some place of cheap amusement is the only means of forgetting their daily routine.” Goldman 2002, 15. “In every one of us there is a longing for companionship and entertainment.” Hart 1919, 56.

¹¹⁷ The National Committee on Prisons was located on the campus of Columbia University, where E. Stagg Whitin taught a course on “practical penal problems.” “Convict Road Work Past Experiment,” *New York Times*, October 31, 1915, <https://nyti.ms/3lCx162>. Whitin advocated better pay for incarcerated workers and an end to leasing out prisoners to private contractors. “Honor System for Convicts Defended Here,” *New-York Tribune*, May 15, 1920, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1920-05-15/ed-1/seq-20/>.

cultivate a hearty national character. As another recreation reformer, Luther H. Gulick (1912, 119), put it at a meeting of the Academy of Political Science in April 1912, the “machine, and the necessary routine ways of working due to the machine” had reduced the everyday lives of the mass of the working population to a life “full of drudgery” against which “human life revolts.”

Compensation, Recreation, and Class Antagonism

Play is not a luxury, but an absolute necessity to the working world to-day. The regulation of amusement is nothing more than the extension, socially, broadly, generally, of the supervision that wise men and women give in a private capacity to the young people with whom they associate from day to day.

—Belle Lindner Israels 1912, 126

How many of us are yet fit for a leisure world? ... Yet leisure is our doom.

—George W. Alger 1925, 489

Youth that does not fill its leisure constructively, wholesomely, is a menace to itself and to society.

—Maude Miner Hadden, 1933¹¹⁸

Free time is shackled to its opposite.

—Theodor W. Adorno 1991, 187

By advancing amusement and recreation reforms, Progressives promised to make life worth living again for the industrial worker, whose life was otherwise accepted to be by necessity completely subsumed under the labor demands of specialized industrial production. In a 1910 article published in *The Survey*, the leading publication of charities, social workers, and settlement advocates, Joseph Lee (1910, 61) characterized Sunday as the “the day for revisiting the ancient shrines, for going back to the fountains of our strength, back in our racial past, for excursions to ancient abodes by stream and wood and

¹¹⁸ Maude Miner Hadden, “The Runaway Girl of Today: A Problem and its Solution,” *New York Times*, November 19, 1933, <https://nyti.ms/3teK69g>.

seashore.” Lee, who was then president of the Playground Association of America and a member of the nativist Immigration Restriction League and later served on the War Department’s Commission on Training Camp Activities during America’s involvement in the First World War, contended that the demands of industrial labor on the free time and general welfare of workers necessitated a “day of compensation, the day of fulfillment of those essential purposes of life for which the weekday has left no room.” Following Adam Smith, Lee recognized specialization to be both “a great industrial principle” governing production in modern societies and an existential threat to the welfare of the individual, since under capitalism specialization was “specialization within the task, carried on to so extreme a point” that the worker’s contribution to the final product was rendered nearly imperceptible while her labor activities were increasingly emptied of all content and skill (Lee 1910, 58–59). Smith began the first book of *The Wealth of Nations* by emphasizing the centrality of the division of labor to economic growth in the system of free enterprise. As Susan Buck-Morss notes, “the paradox in Smith’s view of *homo faber*” is that increasing specialization, i.e., the complexification of the division of labor, requires that “each real body is stunted in order for the social body to prosper.”¹¹⁹ Smith “dealt with” this problem with a theory of commodity compensation that held that even the poorest worker in a capitalist society would have more riches in the form of privately owned commodities than an African king—and just like that, “with

¹¹⁹ Buck-Morss 1995, 448.

the wave of [an invisible] hand, the victim of the division of labor” became “its beneficiary” (Buck-Morss 1995, 449–450).¹²⁰

Lee’s theory of amusement took up the same problem implied by the modern industrial division of labor considered by Adam Smith but emphasized that “the need of some other outlet, of some overflow for the part of human nature that industry leaves unexpressed, becomes intensified” as the specialization of labor develops along with the development of modern industrial society. It was “the business of society,” Lee argued, to provision “its members with a way of life, not merely the liberty to die.” For the mass of the working population, it was “to the opportunities of leisure as provided by a shorter working day, and above all to those afforded by Sunday, in which there is not nearly leisure but strengthen daylight in the morning hours, that civilized man must look for compensation,” and it was here that the state needed to intervene (Lee 1910 59, 61).

Provision for recreation, play, and vacation time formed a powerful means to compensate the working masses for a life toiling for low pay, argued Progressive amusement reformers like Lee, and this view was buttressed by the leisure-as-social-necessity-in-industrial-society stance promulgated by the likes of Belle Israels and Chicago activist Louise De Koven Bowen. Conversely, the prohibition of Sunday play harmed all of society by criminalizing amusement seeking on the day whose “whole purpose” was offering the individual “a chance to grow and live,” it being “the one day

¹²⁰ According to Smith, in a “well-governed society” the progressive expansion of the division of labor generates a “universal opulence which extends itself to the lowest ranks of the people.” Smith 1999, 115.

concentrated and set aside, by nature and by man, to such fulfillment of our humanity as the necessities of our weekday labor cannot afford” (Lee 1910, 62).¹²¹

For leading parks advocate Clinton Rogers Woodruff, parks were not just as a way to beautify the city, but more importantly represented “a means of minimizing social strife,” of “calming the troubles” by “relieving the tedium of working-class lives,” while well-known housing reformer and future COF member Lawrence Veiller argued that playground development could help neutralize class-based resentment by providing the poor “with the means of their own recreation in nearby playgrounds” (quoted in Kirschner 1975, 71–72).¹²²

COF member George W. Alger, a columnist for *The Atlantic*, extended this same line of argumentation concerning leisure and the positive responsibilities of the state. According to Alger, the advance of mechanization and specialization was rapidly making available a form of leisure that society “cannot rationally use,” and which threatened social order by generalizing a “degenerating idleness.” “The great problem” confronting American society was how “to create a civilization that does not degenerate under leisure” (Alger 1925, 492). By draining rather than revitalizing the health of the working population, and by disturbing family structures and courtship norms, the emergent culture industries threatened to produce a social degeneration that could disturb the smooth functioning of social reproduction. Dance halls, saloons, nightclubs, late-night coffee

¹²¹ In spring 1909, Reverend Peters made a similar point in a sermon at St. Michael’s Church. See “Present Sunday Evils,” *New York Tribune*, March 22, 1909, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1909-03-22/ed-1/seq-4/>.

¹²² Veiller joined the COF in 1912. See Committee of Fourteen 1914, 3.

shops, chop suey parlors, speakeasies, buffet flats—to these extent these leisure spaces were unsatisfactorily supervised and run by businessmen who had little concern for what Progressives perceived as the harmful effects of their particular methods of profit-seeking on the moral and physical welfare of the population, they would always continue to provide potent opportunities for the sorts of “degenerative” social and sexual behaviors that led to the spread of “social contagions,” impairing the “efficiency” of the industrial worker and hamstringing the development of the industrial family as a whole.

Progressive amusement reformers recognized that while these cheap amusements did not “make for the natural enlargement of life” as forms of amusement should do, they yet represented the only means of recreation accessible to the mass of the working population (Simkhovitch 1917b, 52). Moreover, they recognized that working women and girls commonly gained access to these cheap amusements (they still had a price, after all) only *indirectly* by gaining access to men’s wages through “charity,” a practice that though understandable was perceived to present many dangers.

The term “charity” (or “treating”) in this context signified a spectrum of practices among working women and girls involving a procedure of saving on costs for a night out by being “treated” to drinks, admission fare, food, or other small expenditures by men, who not only made more money on average and were less subject to seasonal bouts of unemployment, but also typically had more autonomy over their personal finances (Kingsbury 1910; Miner 1916, 77, 297; Simkhovitch 1917, 130). “Treating” aroused moral concerns among reformers, who worried that women and girls were being pressured in large numbers to engage in sexual acts due to shifting courtship norms and

lack of access to “clean” and cheap amusement. While many young women were “clever” enough to avoid the men who had “treated” them when it came to the evening’s end, the remainder faced a problem: “some of [their] partners of the evening may exact tribute for ‘standing treat’” in the form of sexual coercion (Israels 1909, 487–488). “The young men of the big cities,” as Mary Kingsbury Simkhovitch once put it, were “not gallantly paying the way of these girls for nothing.” While “the price may not” be utter “despair,” said Simkhovitch, such bartering entailed “a lowering of the finer instinct and a gradual deterioration of the appreciation of personal purity” (Simkhovitch 1910, 87).

Anxieties related to perceived threats of social upheaval and civilizational, cultural, and/ or “racial” decline lurked beneath the surface of even the most apparently humanist areas of Progressive urban reform (Kirschner 1975). This was true also of the sphere of amusement and recreation reform, a varied field of political and scientific activity in which the COF, with its deep interest in conditioning activity within the city’s commercial leisure spaces—saloons, dance halls, cabarets, nightclubs, movie theaters, excursion boats, and the like—was a prominent player. Instead of waiting stick-in-hand for a violent eruption to appear on the streets of Manhattan, an approach that had many drawbacks in the domain of social order, the more rational and cost-effective policy for a civilized bourgeois society to pursue would be to proactively cultivate mechanisms for selectively (and preferably minimally) *including* members of the sub-altern classes, vis-à-vis access to adequate systems of recreation, institutions of the free press, democratic parliamentary institutions, and the like, in order to produce a certain degree of consensus among the exploited classes as to the legitimacy of their own subordinated social

position.¹²³ This need to construct public legitimacy in industrial capitalist society is motivated by a desire to maintain the steady flow of commerce, to protect the smooth circulation of capital.¹²⁴

On the one hand, the COF emphasized that other forces beyond the whims of female sex workers and working girls were to blame for the persistence of the sex trades and sexual “immorality.” It was for the sake of profits sought by keepers of disorderly places and vested “business and political interests which find prostitution a valuable pawn in the game for power that women become prostitutes” (Baldwin, Kellor, and Simkhovitch 1910, 67). Further, men who purchased sexual services were equally responsible for the sex trade as those profiting from it (Whitin 1923, 661–662; Mackey 2005). However, on the other hand, the COF saw criminalization of women suspected of promiscuity as a crucial policy in combating “the social evil.” Its members were comfortable spying on, entrapping, arresting, and even punishment of large numbers of

¹²³ That said, some advocates of Progressive reform politics certainly expressed overtly repressive attitudes. Graham Taylor of the Chicago Commons settlement house organization, for example, “strongly implied” in his writing “that the tenor of urban life was now reaching the point where a repressive militia might become a necessary condition of the cities.” Kirschner 1975, 72. Moreover, the “golden age” of commercialized public amusements noted by many historians to have unfolded across major American cities at the turn of the century was in many ways “predicated on African-American exclusion.” Kahrl 2008, 1116.

¹²⁴ “A long-term suppression of democratic institutions and the curtailment of freedom of the press and of opinion bring about considerable material costs... and disturbs the ascertainment of the capitalist general interest.” Heinrich 2012, 210. Hence, “No legislator depends on the courts and police for more than a very small part of the public peace and progress,” while the capitalist class—what Godkin referred to as the “intelligent and industrious portion” of the population— “are acted on strongly by the desire for the applause and good will of their neighbors” but “comparatively very little by the fear of the penal code.” Godkin 1890, 59.

plausibly “innocent” women and girls, so long as it allowed the tackling of commercial sexual vice. Somewhat paradoxically, then, the harmful effects of punishment-as-deterrence on the lives of individual women did not generate much concern among those focused on the work of breaking up “commercialized vice” and stopping the spread of “social contagions,” which threatened the welfare of the industrial family and/or the physical and moral health of the industrial worker (and, during the war, risked the integrity of the national war machine).

Hence, even though the workhouse as a form of punishment could “do the women no good even at the best,” it was nevertheless an invaluable institution, according to Whitin, since “detention there acts as a strong deterrent to ‘the life.’”¹²⁵ And while, in Whitin’s view, first-time offenders should not be treated unduly harshly, it was “reasonable to consider the woman who is arrested over four times a persistent offender,” and it was further reasonable that such women “should be permanently restrained since it is evident that they cannot or will not cease to be a social menace.” A whole new “farm branch of the workhouse” was needed so the “incorrigible and hopeless” could “be detained for long periods if not permanently and where by their work they can pay the cost of their maintenance” (Whitin 1914, 184–186).¹²⁶ This is particularly interesting

¹²⁵ See also Joseph E. Corrigan, letter to the editor, “Corrigan Speaks Out,” *New York Tribune*, April 23, 1910, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1910-04-23/ed-1/seq-7/>; Miner 1910, 28.

¹²⁶ In the words of Maude E. Miner, secretary of the New York Probation Association, “the girl who has been leading an immoral life for a very short time through the influence of some man, or because of temporary distress, may be helped by probation, but an attempt to help older and hardened immoral women by probation is useless and tends to bring discredit upon the whole system.” Quoted in Baldwin, Kellor, and Simkhovitch

given that the COF was instrumental in pushing the legislative reforms that established a night court for women and the use of a fingerprinting system that enabled reliable identification of recidivists (Whitin 1923, 658).¹²⁷ In many ways the COF's initiative presaged the so-called American Plan, the massive government scheme to criminalize and punish "promiscuous women" initiated immediately after America's entry into the First World War (Stern 2018). Among other things, the American Plan brought legislation dictating that all women charged with crimes or penal code violations related to prostitution be subjected to medical testing for sexually transmitted diseases and, if necessary, quarantined, a policy the COF oversaw as part of its management of the New York Women's Court.¹²⁸ Later, after acting during the First World War as an appendage

1910, 83. Miner became a member of the COF after January 1912. See Committee of Fourteen 1914, 3.

¹²⁷ "Civic Bodies Find Police Are Lax," *New York Times*, July 31, 1912, <https://nyti.ms/3L7gfXD>. On fingerprinting and identification reform in the courts, see also Miner 1910, 30.

¹²⁸ "The increased knowledge of the dangers of venereal disease, incident to the war draft, made possible the securing of a law which requires the magistrates to report all persons arraigned, charged with prostitution, to the health department as venereal suspects. The department regularly examines all those so reported who have been found guilty, and the report of the department's finding is submitted to the magistrate prior to the imposition of sentence." Whitin 1923, 660. These findings regarding the health status of the charged were used by magistrates presiding over the court in determining the terms of sentencing. The construction of this whole legal apparatus was set in motion following General Pershing's protracted pursuit of Pancho Villa near the southern border in 1916. As William Sloane, chairman of the National War Work Council of the Young Men's Christian Associations of the U.S. wrote in a letter to the COF shortly after the declaration of war in May 1917, "As a result of the experience on the border, the Department of War at Washington has become thoroughly aroused as to its responsibility in safe-guarding the moral welfare of the soldier in the greater army now mobilizing, both from the viewpoint of military efficiency and the broader viewpoint of social welfare." William Sloane to the Committee of Fourteen, 23 May 1917, File: "Pfeiffer,

of the War Department's Commission on Training Camp Activities (overseen by former New York Commissioner of Accounts, Raymond B. Fosdick), the COF played a key role in securing an amendment to the so-called Health Law in 1919, which provided that any person *suspected* of being "diseased," not just those convicted of a crime related to prostitution, could be examined and detained *indefinitely* for the protection of the public (Committee of Fourteen 1920, 20).

In much the way that career-bound white-collar managerial workers of modern enterprises were pragmatically oriented towards long-run conditions of profitability, i.e., towards perpetuating the enterprise's existence over time, the COF was backed by individuals and organizations interested in identifying and protecting the long-run interests of the industrial economy as such.¹²⁹ In a real sense the COF was not just a manager of businesses, a manager of managers, but also a miniature example of a business enterprise, complete with a hierarchical management structure with sub-committees for every special area of interest.¹³⁰ Its members believed that civic

Timothy N.," Box 24, C14. On the continuation of this work during the American involvement in the first world war, see "Barring Sex Disease from the American Military," *New York Times Magazine*, October 28, 1917, <https://nyti.ms/3ksHyQj>.

¹²⁹ "In making administrative decisions, career managers preferred policies that favored the long-term stability and growth of their enterprises to those that maximized current profits.... The desire of the managers to keep the organization fully employed became a continuing force for its further growth." Chandler 1977, 10.

¹³⁰ The COF's status as managerial consultant of sorts can also be seen most directly in the conclusions of the department store sub-committee's six-month inquiry into possible immoral conditions existing between female employees and male managers at Macy's department store in 1913. The elaborate study's conclusions amounted to little more than administrative recommendations for ways to improve industrial efficiency and enhance employee enthusiasm and personal investment in the workplace. See John P. Peters,

organizations like theirs would always continue to play a vigilante role in law enforcement, even as police systems developed. According to Whitin, civilian committees were made necessary by the demand for efficiency in governance:

It is the writer's belief that [civic] organizations are necessary if progress is not to drag; that in the ever-present competition between departments over budgetary allowance, the citizen's support is most valuable. Likewise, the assurance of such support enables public officials to more fearlessly meet the criticisms and opposition of those not interested in law enforcement, or those seeking to save the individual offender from the consequences of his acts (Whitin 1923, 661).

At a practical level, the COF's investigations could be considered "neutral" precisely because its investigations were controlled and trained by a private, non-sectarian organization. Official police bodies could be influenced by systemic corruption or shifts in relative control over government institutions. The COF's existence, like that of its predecessor, the Committee of Fifteen, was after all a product of the disclosures generated around the turn of the century by a series of high-profile inquiries into links between police and "the underworld" (Felt 1973; "The Lexow Committee" 1895).¹³¹ Private authorities could boast a unique independence from such bias and corruption, even as this independence was made possible by a basic material *dependence* on private funding streams from wealthy individuals whose interests were aligned with the COF's work.

"Department Store Investigation: Report of the Sub-Committee," September 1914, p. 12–14, Box 39, C14; "Shop Girls Moral, Vice Probers Find," *New York Tribune*, February 15, 1915, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1915-02-15/ed-1/seq-4/>.

¹³¹ "The Mazet Committee," *New York Times*, April 19, 1899, <https://nyti.ms/38XuqQC>; "Mr. Shepard Declares for Police Reform." *New York Times*, October 24, 1901, <https://nyti.ms/3vPWqPf>.

The COF's salaried managers had a personal stake in the continuation of the COF's work into the future. They were individually invested in the long-run existence of the organization in much the same way as managers of business enterprises. We could even say they belonged to what we some critics might regard as America's original "non-profit industrial complex" (INCITE! 2007). One anti-racist critic, D. E. Tobias, charged that the Committee was "more a money-making scheme than ... a reform movement." Tobias, an Uplift advocate and journalist who penned editorials for the *Sun* and the *Age*, wrote to the Committee to complain about racist language used in an essay written by the group's Chairman, Rev. Dr. John P. Peters, which was included in the group's 1914 annual report. Threatening that "the time has come when charitable people should know all about the work of the organizations to which they give money," Tobias poked at the salaries of the Committee of Fourteen's executives—\$2,750 each annually—remarking that this is "splendid pay for watching New York City's underworld population without even making a public suggestion as to what remedy or remedies may be offered."¹³²

Despite being the target of occasional public and private criticisms, however, the COF managed to command respect as a credible institution for many years. As reputable persons aligned with a highly esteemed society, COF members' words carried heft in the public sphere. As one article in *The Outlook* said of Reverend Peters before citing his opinion on the character and political motives of William Randolph Hearst, his "reputation as a clergyman, as a scholar, and as a social reformer gives his name great

¹³² D. E. Tobias to Walter G. Hooke, September 22, 1915, File: "Moore, Frederick R," Box 11, C14

weight.”¹³³ COF members met with and consulted government officials at the city, state, and federal levels, enjoyed ties with some of the nation’s most prominent enterprises and entrepreneurs, and were personally connected to a vast, geographically distributed network of influential sociologists, social workers, institutional administrators, and reformers of every stripe. Their published works were widely distributed and reviewed by the nation’s biggest news outlets. Members were invited to speak at conferences across North America and Europe, published numerous academic and popular articles in some of the nation’s premier scientific publications, and regularly corresponded with scores of reform-minded individuals who actively solicited their expert advice and recommendations on a range of important matters. To maintain their positions and ensure the long-term health of the COF, managers gravitated towards an incrementalist and mission-oriented approach that enabled them to demonstrate a record of regular progress to funders.

Whitin and the other managers of the COF counted themselves among the most influential reformers in the country. They oversaw and supplemented the police system of “Whitman’s city of the world,” a city that was “in every sense...a metropolis of superlatives” (Hochschild 2020, 27). It was the world’s second largest and most polyglot city, and by 1914 had overtaken London as the financial nexus of global capitalism. Because New York was also by far the most important commercial and amusement center in America, the COF could frame its work as essential not just for the welfare of

¹³³ Reprinted in *Atlanta Georgian*, “Justice to Mr. Hearst,” October 3, 1913, <https://chroniclingamerica.loc.gov/lccn/sn89053729/1913-10-03/ed-5/seq-18/>.

those residing within or around New York but also for the general social health of the national population:

The country as a whole is much interested in the improvement of vice conditions in New York, for if its citizens, when visitors to New York, fall for the temptations which may be allowed to exist there, they expose themselves to the dangers of the social diseases. Should they become victims of them, the chances are many that the diseases may be communicated to innocent persons who have never been in New York. Thus, the dangers act and interact, and the country as a whole is safe, only as a whole it reduces commercialized prostitution and the dangers of the accompanying diseases (Whitin 1923, 662).

Of course, this argument, which in the case of this particular utterance directly capitalized on wartime narratives of social contagion that had been so successful in mobilizing a diverse range of local and national institutions of the state and civil society to action, had the added bonus of doubling as a marketing strategy.¹³⁴ If safeguarding

¹³⁴ In the leadup to and during America's direct involvement in the First World War, the dominant sexual panic narrative in America had a double character: sexual vice and "venereal disease" posed dangers to the war effort while the "allure of the uniform" — that is, a perceived increase in pressure and desire to have sex among young men and women that came with the outbreak of war and the sudden hypervisibility of large numbers of uniformed servicemen in urban centers—posed a danger to the health of girls and women, especially in cities and towns located near military cantonments. See for instance Lane 1917; "Sex Lure to Uniform Brings Expedient of Women Police," *Washington Herald* (Washington, DC), May 27, 1918, <https://chroniclingamerica.loc.gov/lccn/sn83045433/1918-05-27/ed-1/seq-3/>; "Peril to Girls Seen in Pubic Dancing," *Sun* (New York), May 5, 1919, <https://chroniclingamerica.loc.gov/lccn/sn83030431/1919-05-05/ed-1/seq-10/>. See also Snow 1917; Fosdick 1918; Harris 1919. As fighting began to cease, the mainstream social hygiene narrative shifted. Now the focus was on moral and health effects of demobilization. What would happen, pundits worried, when thousands of young fighting men returning from France, where they were rumored to have developed an "abnormal" familiarity with casual sexuality and perhaps contracted sexually-transmitted diseases, were unleashed at once onto the nation's industrial centers, where they would almost certainly seek out pleasure and sex, possibly contracting and/or spreading "social diseases" and "ruining" the innocence of young women in the process before making their way back to their homes in the heartland, where they would perhaps do further damage to the health and morals of the nation's rural communities? "Army Needs 'War

New York City from the spread of dangerous “social diseases” really was a matter of national interest for the reasons Whitin suggests, then the COF’s work would logically remain vital to the health of the nation and thus worthy of funding into the foreseeable future.

In this chapter I first discussed my approach to class as a process rather than as an attribute of a thing. I then elaborated a theory of the role of the production of neutrality in the process of capitalist class composition via conflict over the bourgeois state by empowered individuals and organizations of civil society. Then I put these understandings of class struggle and the role of the bourgeois state in capitalist “class rule” to work in order to frame the sphere of Progressive-era urban social hygiene and amusement reform politics in general and that of the COF’s work in particular as forums of capitalist class composition, as “neutral” spaces for the cultivation of methods for assessing, articulating, and/or manifesting the class interest on matters of vital importance to social reproduction and the reproduction of capital.

Work’ Now,” *New York Times*, November 9, 1918, <https://nyti.ms/3M0c4wQ>; “Take Up Problems of Demobilization,” *New York Times*, November 30, 1918, <https://nyti.ms/3ydbec7>; A Woman War Worker, “Our Bad Boys in France,” *New York Times Magazine*, August 24, 1919, <https://nyti.ms/3P1Lshd>; “More About ‘Our Bad Boys in France,’” *New York Times*, September 7, 1919, <https://nyti.ms/3vZ0fQY>. The mainstream narrative was exploited and advanced all along mainly by prohibitionists, but a diverse array of reformers and commentators took part in the discourse. Some, like William Fellowes Morgan, President of the Merchants’ Association, emphasized that unmanaged demobilization would disrupt industrial peace by flooding urban labor markets, exacerbating congestion, and generating conditions of unemployment and demoralization among returning soldiers that could be amenable to the positive “reception of radical and anarchistic theories.” Morgan, quoted in “Demobilization Near Home,” *New York Times*, February 11, 1919, <https://nyti.ms/3saDXdS>.

But why undercover investigation? What contextual factors explain why the COF selected this method for intervening in a wide spectrum of dynamics related to social reproduction, fortification of workers' moral and physical health, and production of social order? What are the origins of the COF's investigative techniques, and what sorts of practical, legal, and/or ethical problems were provoked by the use of these techniques by privately funded turn-of-the-century police and reform organizations? I take up these and other related matters concerning the historical development of the techniques of undercover surveillance used by the COF and other likeminded turn-of-the-century Progressive urban reform and law enforcement societies.

CHAPTER THREE: UNDERCOVER INVESTIGATION, REFORM, AND BOURGEOIS POLICE ACTIVISM

*Don't Make Love in Gotham
You've got no place to go;
You can't hide in the subway
Or on the roofs, you know!
The cop that's on the corner
Has got his eye on you—
Don't love in Gotham—
You'll be 'pinched' if you do!*
—Tom Masson [ca. 1910]¹³⁵

*If you want to understand what a science is, ... you should look at what the
practitioners of it do.*
—Clifford Geertz 1973, 311

In the United States, covert methods of investigation were primarily developed first within the private sector. Federal and local governments only created police entities with undercover agents of their own in the period after the Civil War, and these agencies leaned on the expertise and personnel already existing in the private sector.

This chapter gives a general overview of the rise of investigatory methods in the latter half of the nineteenth century in order to situate the use of undercover techniques in the Progressive Era by the Committee of Fourteen and other investigation-based police and reform societies. I briefly examine some of the foundational trends in undercover investigation that directly preceded and informed the methods used by private

¹³⁵ Quoted in Marguerite Dean, "Gotham's High Cost of Loving!" *Evening World*, July 14, 1920, <https://chroniclingamerica.loc.gov/lccn/sn83030193/1920-07-14/ed-1/seq-21/>.

Progressive-era anti-prostitution reformers in New York beginning in the early 1890s. The new turn-of-the-century iteration of mainstream anti-prostitution reform was remarkably different from its nineteenth-century predecessors. In place of the siloed, single-issue platforms of previous reform movements, Progressive-era reformers operated through a network of mutually cooperative associations and private commissions, bringing together an array of specialized bourgeois moral, social, cultural, legal, and political reform initiatives, business and trade associations, private medical and academic institutions, charitable aid societies, and, when politically useful, official channels of federal and local government under a unified banner of anti-prostitution and “social hygiene” work. And, unlike the brief spurts of activism that accompanied earlier moral panics about prostitution, the new Progressive movements successfully secured several substantial legal victories and lingered on through the prohibition years of the 1920s. In this context, undercover investigation was not just useful as a tool for achieving specific ends, but was a universal, nearly ubiquitous method for advancing a whole range of interrelated initiatives all at once. At the most basic level, this meant that surveillance directed towards investigation of areas of social disorder could wind up producing information relevant to work being done in a separate field by a distinct agency. Some historical explanation of how undercover surveillance became this seemingly universal capacity to be tapped by private reformers and authorities of various kinds is required.

As Gary T. Marx (1988, 17) points out, while the use of undercover practices is hardly a modern phenomenon, the advance of urbanization and industrial capitalism over

the past 250–300 years both necessitated and made possible new techniques of covert surveillance:

Deception, temptation, and informers are ancient and virtually universal forms of social control. The Bible is filled with examples.... From Ulysses to Hamlet, folklore and literature are rich in tales of rulers or deities who have secretly gone among their people to administer tests and discover the truth. Whatever the literary appeal of such tactics, Western societies lacked the means for broad systematic undercover policing until the last two centuries. With the rise of the modern state, however, the routinization of covert, as well as overt, means of policing became possible. The traditional system of policing a feudal society was inadequate in the face of the greatly increased (and new forms of) crime and disorder that accompanied urbanization and industrialization.¹³⁶

¹³⁶ As Karl Marx argued in chapter thirteen of *Capital*, Volume 1, the rise of industrial relations in general and the emergence of the modern factory in particular in the late eighteenth and early nineteenth centuries, ensured the rising import of the work of directing, overseeing, and surveilling the behaviors of individual waged workers within the space of production: “The work of directing, superintending and adjusting becomes one of the functions of capital, from the moment that the labour under capital’s control becomes co-operative.” Marx 1976, 449. Engaging this passage and the broader argument developed in the chapter—that the development of capitalist productive forces, predicated as they are on the development of co-operation and division of labor, both necessitates and hastens the development of regimented mechanisms of workplace surveillance and discipline—Michel Foucault argued that “the technological mutations of the apparatus of production, the division of labour and the elaboration of the disciplinary techniques sustained an ensemble of very close relations.” Foucault extended Marx’s argument by showing how, in the case of France, the “growth of a capitalist economy gave rise to the specific modality of disciplinary power, whose general formulas, techniques of submitting forces and bodies, in short, ‘political anatomy’, could be operated in the most diverse political régimes, apparatuses or institutions.” In other words, the techniques developed in the factory to oversee the cooperation of all the individual labor powers employed paved the way for a new form of power, “discipline,” which moved beyond the space of production to become a technique of governance generally. Discipline, in Foucault’s view, is the “unitary technique by which the body is reduced as a ‘political’ force at the least cost and maximized as a useful force.” Foucault 1995, 221. See also Schwan and Shapiro 2011, 7, 136. Feldman provides a helpful elaboration of Foucault’s approach to the category “discipline,” particularly as presented in, *The Punitive Society* (lecture series originally published in 1973) and *Discipline and Punish* (originally published 1975), connecting it to the approaches taken to two other significant but often overlooked categories, which are relevant to this analysis for reasons that will be apparent—namely “development of character” and the “management of

Undercover investigation was rarely deployed in the fight against prostitution prior to the emergence of urban anti-prostitution campaigns of the 1890s. The undercover techniques that gained popularity among New York's Progressive-era private political and moral reformers did not emerge in a vacuum. Authors of popular "down-and-out" novels like Jack London used them to explore the underworlds and red-light districts of the nation's growing metropolises. Commentators on both the left and the conservative right used them to forward sweeping polemics about the state of American society. Muckraking journalists working for publications like *McClure's* and female stunt-reporters like Nellie Bly used them to pen scandalous tell-all's, to reveal conditions in spaces largely off-limits to respectable society. Social scientists like Annie Marion MacLean used them to expose systematic abuses of women, men, and children on

illegalisms." Feldman 2019, 324–325. With a better understanding of Foucault's theory of discipline in mind, we can better see the role the COF's surveillance played from the perspective of bourgeois hegemony in New York City. In a context marked by Tammany Hall corruption, police ineffectiveness, and municipal inefficiency, the COF and other prominent private reform entities stepped in to create new avenues for effectively disciplining and surveilling behaviors, to manage "illegalisms" in order to reshape and preserve the vital characteristics of the governed population, and to clean up and reinforce the city's reputation as a safe and reliable space of commerce and finance, thereby improving its moral standing among the other great capitalistic centers of the nation and the world—all while policing the social, political, family, and sexual relations of the working class. The COF's approach to defense of character is revealing in this regard. Citing the work of historian Stanley Coben, Mackey explains that "character combined with Social Darwinism to form a power paradigm of social explanation that motivated waves of social and moral reformers in the early twentieth century either to defend this worldview or to struggle against it," and the COF, "with its commitment to vice reform, social purity, and social hygiene drew much of its strength from its defense of 'character' against the multitude of large and small urban, social, and moral threats." Mackey 2005, 10–11.

crowded factory floors (MacLean 1903; MacLean 1910; Hallett and Jeffers 2008). And the Pinkerton Detective Agency used sophisticated spying techniques in support of its work both as a mail-policing organization for the federal government and as a private hired army for wealthy industrialists and big businesses suspicious of their own employees.¹³⁷ The Pinkerton agency is perhaps best known today for its direct involvement in some of the most egregious cases of militant strike-breaking across the rapidly industrialized landscape of North America, including the spectacular confrontations with striking workers in Homestead, Pennsylvania and Coeur d'Alene,

¹³⁷ Gary T. Marx offers some useful context on the significance of the Pinkerton Detective Agency to the development of undercover police tactics in the US during the latter half of the nineteenth century: “Allan Pinkerton (1819–1884) helped to bring covert police practices to the United States. He was an avid abolitionist and experienced in deception through his work on behalf of the Underground Railroad, which helped slaves escape to Canada.... The symbol of Pinkerton’s agency—an observant eye, and its motto, ‘We Never Sleep’—gave rise to the term ‘private eye.’ This appears to have had an unintended second meaning. Not only did the prying eye work for private interests, but it was an eye that was able to peer into normally private places and relationships. IT was standard procedure for Pinkerton’s agents to gain access by any available means.... Private agencies” like Pinkerton’s were “used by the United States government. Until the end of the Civil War, the Treasury Department, as well as the U.S. Post Office, lacked their own detective force and relied on agents.... But in 1865, in response to serious problems of counterfeiting and the filing of fraudulent war bounty claims, the U.S. Treasury created the Secret Service, the first national police force of any significance. Indeed, during the early years the line between the public and private sectors was blurred as detectives went back and forth, sometimes working for both simultaneously.... The U.S. Post Office established an Office of Inspection in 1836 but made use of private agents for much of its detective work.... Pinkerton also tested employee honesty and conformity to work rules on the rapidly expanding rail lines. He introduced a more modern rationalized form of undercover work where the investigation was not dependent on a specific complaint. New goals involving general intelligence and prevention emerged alongside the more traditional goals of containment and apprehension of specific offenders.... In the 1890s and later, private detective agencies, such as Pinkerton and Burns, came under heavy criticism for their antilabor activities. Although much of this involved the use of guards, goon squads, and strikebreakers, covert strikebreaking efforts and labor spying were also common.” Marx 1988, 28–29.

Idaho in 1892. Yet the systematic deployment of undercover investigators and other coercive surveillance measures targeting labor was a typical aspect of the Agency's operations around the country.¹³⁸ These national trends manifested locally in New York City.

Undercover Surveillance in the Nineteenth Century

What were the trending usages of undercover investigation before they became the tools of Progressive-era private reformers in their attempts to transform criminal law and the police? The value of nineteenth century covert monitoring techniques can be grouped into four broad categories: (1) *taxonomical*: as means of “scientific” knowledge production, or as capacity to “objectively” study things that would otherwise be unapproachable or unknowable; (2) *experiential*: as method for unlocking authentic experience; (3) *panoptic*: as disciplinary tool, institutional device, or tactic of behavioral tampering, aimed at the production of social order or the reduction of disorder; and (4) *voyeuristic*: as the pleasure of looking, especially at something taboo or endowed with fetish properties, an end in itself. Each of these functions have their own histories and contemporary manifestations in New York society.

While some forms of undercover investigation emphasized one of these functions over the rest, it was often their partial combination and mutual reinforce-ability that secured the broad appeal of investigative techniques. For muckraking journalists and tramping novelists, investigation consisted of temporarily taking on a new identity or

¹³⁸ For a useful “genealogy” of undercover investigation in the US, see Fronc 2009, chapter 1.

occupation in order to immerse oneself in a world that was otherwise hard to reach or typically cautious of the prying eyes of outsiders. These narratives were popular in part because of the investigator's unusually direct, "authentic" relationship to the story. Undercover techniques enabled observers to access much coveted inside information while simultaneously participating in the action.

Undercover practices enabled the production of fascinating narratives that were rich with description about the many faces of the urban underworld. They opened up a range of spectacular story-telling capacities that brought together late-Victorian narratives of sexual danger, frontier narratives of gunslinging criminality and gang violence, urban travel narratives first popularized in the middle of the century by figures like Charles Dickens and George G. Foster, and modern reformers' critiques of the city's many poorly regulated, closed-off institutions, feeding the ever-growing demand for such narratives that coincided with the rise of the young nation's competitive publishing industry. Undercover tactics empowered the writer to merge the production of authentic experience and scientific knowledge into a narrative package that promised highly valued voyeuristic pleasure for post-Victorian reading audiences. Of course, this was limited by the would-be investigator's level of success in gaining access to off-limits zones, bringing others' guards down enough to secure personal, potentially incriminating information from them, and generally fitting in with a range of social circles without raising alarm in targeted areas. At a time when women were generally excluded from writing professions or otherwise relegated to particular types of media coverage widely associated with "feminine" expertise, undercover stunt projects offered a means for more

adventurous female reporters to broaden their horizons while writing longer, potentially front-page stories. Female reporters were seen as particularly daring for taking assignments that put them in potentially dangerous situations due to stereotypes about the inherent fragility and purity of white women. Nellie Bly became a household name across the nation after her courageous exposé of the rampant abuses at the women's lunatic asylum on Blackwell's Island, published in Joseph Pulitzer's *World*.

From the perspective of policing entities, the capacity for investigation generally to open up a mutually productive loop between forms of study and forms of discipline and behavior modification made it particularly valuable. This was especially true for private detective agencies who were generally not confined to the same legal constraints as uniformed officers when it came to securing evidence. Investigation, a practice often done in tandem with private detectives in the nineteenth century, allowed police entities to actively study targeted individuals and places of interest in ways that reinforced the policing process. The Pinkerton Detective Agency used coercive infiltration methods to penetrate many different federal offices, businesses, and labor organizations with undercover agents and maintained a network of informants. Their policing work for the federal government and powerful capitalists alike was bolstered by the use of techniques of covert surveillance and undercover investigation.

In New York City, by the time anti-prostitution campaigns reached their height in the 1890s–1910s with the rise of the international “white slavery” scare, undercover investigators working for powerful private organizations like the Society for the Suppression of Vice and the Committee of Fourteen were tasked with attending rough-

and-tumble drinking establishments, studying, following, and soliciting as many sex workers as they could in as many contexts as possible, exchanging tables with unaccompanied partners of the opposite sex, conversing and potentially befriending bar owners, immigrant pimps, chauffeurs, “charity girls” engaged in “treating,” sporting-men, vagrants, “fairies,” hotel bellboys, barroom performers, and pornographers, and witnessing first-hand as many forms of vice by whatever means possible in the targeted areas. Thus, the seasoned investigator’s behavior was often indistinguishable from that of the average “customer.” In the process of doing their jobs correctly, investigators were occasionally questioned or even arrested on suspicion of engaging in the exact types of criminal or immoral behaviors the COF was working to contest.

Though vice investigators claimed to go only up to the limit and never beyond, their position as investigators was founded on a set of arguably irresolvable contradictions. The vice investigator’s continued employment was predicated on an expectation that they produce detailed narratives of social disorder of the kind their employers might want to hear. Successful investigators could provide the narrative material their bosses desired to find in their reports. Even if “nothing was doing” in a particular establishment, and even if no particular infractions were witnessed in the course of a visit, investigators sometimes filled in the gaps with creative embellishments, writing that the place was “probably” disorderly, or that it seemed like the owner might “take a chance” on a heavy night of business if he or she knew all those in attendance, perhaps by allowing parties to change tables or serving drinks to unaccompanied women. It is ultimately difficult to assess how much of the COF’s reports can be treated as

reliable accountings of events, especially given the COF's low standards of evidence collection and high level of trust afforded its investigators. In some cases, like when arrests were made, reports would at least be corroborated by police officers and/or other witnesses. But most accounts produced by investigators were not of this sort, and investigators had no mandate to collect additional evidence before submitting an incendiary report concerning the character or behavior of an establishment's proprietor or staff.

Further, covert surveillance was performative in the economic sense, in that practices of investigation could sometimes impact the behavior of targeted groups or spaces in ways that were unintended or difficult to assess objectively. This was especially true as knowledge of surveillance practices grew among saloon keepers, sex workers, madams, hotel bellmen, chauffeurs, and others targeted by detectives for their involvement in the city's vice activities. While vice investigators were sometimes content to comment on surface-level changes, they often expressed a perpetual paranoia as to their ability to pass as customers without arousing suspicion. They were frequently recognized while out and about by people they had encountered previously on the job. Sometimes these were harmless encounters that could further the investigator's legitimacy in the eyes of skeptical onlookers. But in other cases, investigators were exposed as "Committee men" or treated with outright suspicion after being recognized. Moreover, private Progressive-era anti-vice crusaders sometimes went to great lengths to make their covert and coercive tactics known to their targeted spaces and populations in the hopes of deterring disorder by cultivating a fear of constant detection. Yet this

paradoxically meant that business operators, sex workers, and street-level vice operations of all kinds in targeted areas would develop defensive techniques for detecting and warding off plainclothes detectives. Thus, the fact-finding, scientific and experiential aspects of investigation, both of which were highly desired by Progressive anti-prostitution commissions like the COF, could be directly impeded by the disciplinary, behavior-altering goals simultaneously being secured by the undercover work. Even when these effects were not intended, word that plainclothes detectives were out on the streets investigating establishments produced levels of caution that dictated the parameters of behavior in most places, giving rise to a cautious atmosphere and acute distrust of unknown individuals among the many types of people regularly involved in entertainment, sex work, gambling, transportation, and short-term lodging.

Anthony Comstock's Society for the Prevention of Vice, formed in 1878, was among the first prominent private law enforcement reform organizations to utilize undercover methods to secure a number of high-profile raids on brothels and other vice ventures across New York. Comstock personally went undercover to infiltrate and eventually take down the famous abortionist of Fifth Avenue, Madame Restell.¹³⁹ The widely-covered affair was a big win for postbellum vice reformers, who saw the potential of private citizens taking up vigilante forms of law enforcement in order to forward the goals of puritan anti-prostitution campaigns, even as Restell's suicide on the eve of her

¹³⁹ For a concise summary of Comstock's undercover work against Restell, Abbott, Karen, "Madame Restell: The Abortionist of Fifth Avenue." *Smithsonian Magazine*, November 27, 2012, <https://www.smithsonianmag.com/history/madame-restell-the-abortionist-of-fifth-avenue-145109198/>.

trial cast a harsh light on the material effects such campaigns could have on even very powerful and well-placed individuals targeted by them.

Investigation and Anti-Prostitution Activism in the Progressive Era

By the time Reverend Dr. Charles Parkhurst was elected president of the newly formed Society for the Prevention of Crime following the death of its previous president, Dr. Howard Crosby, in April of 1891, he was already well known for his incendiary oratory condemning the city's corrupt political institutions. After more than a decade of fiery anti-Tammany polemics launched from the pulpit of the elegant Madison Square Presbyterian Church, Parkhurst's name had become synonymous with the anti-corruption and anti-vice movements gaining prominence among monied New Yorkers at the close of the nineteenth century. In February of 1892, Parkhurst delivered a highly influential sermon in which he characterized the city's overseers "a damnable pack of administrative bloodhounds, polluted harpies and a lying, perjured, rum-soaked, libidinous lot," who were "filthifying" the whole of "municipal life."¹⁴⁰ The speech briefly shook things up, and Parkhurst even subsequently appeared before a grand jury, but a general lack of tangible evidence quickly eroded the legitimacy of the proceedings.

Undeterred, Parkhurst took it upon himself to gather the necessary evidence. He hired detectives and even went undercover himself to prowl the streets of the notorious Tenderloin district in the hopes of encountering first-hand the dense networks linking systems of bribery, fraud, gambling, illegal alcohol sales, prostitution, and the "backroom

¹⁴⁰ Parkhurst, quoted in "Dr. Parkhurst Dies of a Fall in Sleep," *New York Times*, September 9, 1933, <https://nyti.ms/3r6mwLP>.

evil” to the city’s governing institutions. The results of his investigations led to the formation of the Lexow Committee in 1894, which publicly laid out in detail for the first time the deep ties between the city’s governing institutions and its flourishing vice industries (“The Lexow Committee,” 116–132).¹⁴¹

The official origin point of the Progressive private anti-prostitution movement was signaled by Revered Dr. Parkhurst’s famous speech in 1892. Parkhurst powerfully wedded two polemics that were often held separately in nineteenth century New York: anti-prostitution and anti-corruption. Despite some immediate gains, the message about political corruption was not successful in the long-term, with Tammany Hall winning the mayor’s seat again in the form of Robert van Wyck in 1898 after losing it to fusion candidate William Strong three years earlier. But the brief years of reform government did put into place some longer-lasting formations, successfully instantiating the notion that wholesale reforms of government, police, and society at large could realistically be achieved through the formation of organized civil society initiatives, the exploitation of interest group politics, and the cultivation of an ethos of collaboration capable of cutting across old ethnic and political distinctions (Godkin 1895, 3–6).

Targeting police corruption, Strong had appointed State Assemblyman Teddy Roosevelt to serve as Police Commissioner, a post he served for two years before assuming the role of Assistant Secretary of the Navy under the McKinley administration. In addition to elevating his own political career, Roosevelt’s position as Police

¹⁴¹ “Lexow Committee Report,” *New York Times*, January 18, 1895, <https://nyti.ms/2Zj68Mq>.

Commissioner elevated the fight against vice and implemented a number of reforms aimed at modernizing and professionalizing the police in New York. At the end of the century the twinned concerns over Tammany Hall's wasteful, improper municipal management and overt manipulation of the democratic process were still central in the minds of New York's bourgeois reformers. "The great octopus which now has New York in its grasp," remarked Merchants' Association president William F. King at a lavish banquet held by the group in May of 1900, legitimized itself through "appeals to prejudice" designed to "impress upon the voters, the great mass of whom come from the tenements districts, that the rich men are inimical to their interests." Moreover, the worst aspect of Tammany corruption, argued then-Governor Roosevelt, who also spoke at the banquet, was its tendency toward wasteful expenditures of public funds. "The proper remedy," declared Roosevelt, was simple: "the application to the public business of the methods which have been found essential and effective in the management of private business."¹⁴²

Turn-of-the-century Progressive New Yorkers saw in municipal mismanagement, the spread of vice, and widespread police corruption a vicious combination that threatened the long-term business interests of society and limited growth. In 1899, Roosevelt worked with Republicans in Albany to form the Mazet Committee, an anti-Tammany group that targeted corrupt police officials and ushered in a wave of Progressive anti-vice initiatives. The Committee of Fifteen emerged out of this milieu

¹⁴² "Governor's Tribute to Merchants' Work," *New York Times*, May 26, 1900, <https://nyti.ms/3xoO7sW>. Lincoln Steffens soon thereafter criticized this view of "business methods" in government in his 1904 book, *The Shame of the Cities*.

(Gilfoyle 1992, Chapter 14). In 1900, in the hopes of preempting the forces of reform, Tammany Hall leadership appointed a committee to investigate corruption. The move backfired. Good-government reformers seized on the opportunity and formed their own anti-corruption and anti-vice society, the Committee of Fifteen (Felt 1973; Fronc 2009, 36–37).

Though it was a collection of private individuals, the Committee of Fifteen's links with municipal government endowed it with legitimacy, and it ultimately worked hand-in-glove with police officers to raid and otherwise disrupt vice ventures across the city's tenements, commercial amusement establishments, and public spaces. The group was situated at the intersection of the market interests of the city's industrial bourgeoisie and the governance strategies of good-government reformers, who were busily seeking out technological and organizational capacities to erect mechanisms of control over "disorderly" and "dangerous" segments of the population. The Fifteen's work had little marked effect on "commercialized vice" —indeed, above all else it proved the inadequacy of existing police and courts practices for the suppression of "vice organized as a business." Its importance lay in its promoting awareness of the complexity of legal and institutional barriers to reform among the city's good-government reformers, sociologists, legislators, settlement house workers, and religious organizations, focusing these different groups' attention on specific issues deemed to be too important to be left to the Tammany-aligned police (Felt 1973). When the Committee of Fourteen formed in 1905, it saw itself as the Fifteen's "legitimate successor and heir," manifesting the recommendation made by the Fifteen in its 1902 report, "The Raines Law Hotel and the

Social Evil,” that a permanent organization should be formed to combat disorderly “hotels” (Peters 1908, 88; Peters 1918, 357–360, 365).

Though cleaning up the Raines Law Hotels was the COF’s stated purpose from the start, its members had higher ambitions. Among these was the desire to create a permanent, powerful private intelligence and surveillance organization capable of facilitating and overseeing all kinds of anti-prostitution and anti-vice work across the city. As Fronc (2009, 68–69) explains, the COF disagreed with the abolitionist approach taken by prohibitionists,¹⁴³ and pushed instead for means to “systematically regulate saloons and other leisure establishments” and to enforce legal codes as it understood them:

[The Committee of Fourteen] developed a mode of interest group politics by approaching and accommodating business interests and forcing them to become partners in its (moral) program. The businesses worked with the Committee of Fourteen because it offered them a way to continue to operate. The alternative—an alcohol-free city as imagined by groups such as the Women’s Christian Temperance Union and the Anti-Saloon league—was ultimately not acceptable to the Liquor Dealers’ Association.... The Brewers’ Association and the Liquor Dealers’ Association benefited from their collaboration with the Committee of Fourteen; it made them appear to be interested in cleaning up saloons, which insulated them from accusations by the “drys” and prohibition organizations that they were responsible for the moral decline of the citizens of New York.¹⁴⁴

The COF pursued an aggressive vigilante approach to reform, envisioning itself as an activist wing of the interdisciplinary social scientific movement associated with

¹⁴³ COF executive secretary, Walter G. Hooke, was a particularly active “wet” campaigner.

¹⁴⁴ The COF in turn actively worked to raise the social estimation of its business partners by periodically applauding these collaborative efforts in its annual reports. See for example “Brewers Praised for Enforcing Law,” *Sun* (New York City), February 13, 1917, <https://chroniclingamerica.loc.gov/lccn/sn83030431/1917-02-13/ed-1/seq-8/>.

“social hygiene.” Consisting of businessmen, clergy, lawyers, professors, it combined a Progressive, scientific framing of the knotted dilemmas posed by unregulated prostitution, high rates of “venereal disease,” and moral degradation with an unrelenting belief in the need for certain righteous law enforcement bodies to exist above or otherwise outside of the standards enshrined in “Anglo-Saxon” principles of law.

By “enlisting brewers and surety companies in its campaign” of social control and cultivating an “unprecedented coalition of support,” the COF intervened in spaces where disorder was manufactured, altering how commercial establishments were run (Gilfoyle 1992, 304–305). The COF prided itself on regulating commercial enterprises, *not* closing them down, though it did not shy away from this route when it appeared to be necessary. The reason for this was simple: its members’ capacity to regulate ways of doing business—and, by extension, to condition the behavior of an assortment of types of individuals circulating within amusement spaces—hinged on their ability to threaten the profitability, credibility, commercial reputation, and/or insurability of a given venture. Though their power to crush businesses was real, they preferred to let live instead of making die, so to speak, those enterprises that could be molded to their will and transformed into appendages of the COF’s agenda of social control. The more individuals and establishments the COF pinned under its thumb, the more it was able to intervene in the behaviors of the population in targeted neighborhoods to achieve desired outcomes. This strategy of social control was in some ways in keeping with the “ethos of the inspector” that first emerged in the Anglo-American world as early as the 1830s in response to the rapid advance of industrialization and urbanization. This approach, whose

origins arguably lie with the struggles between the English inspectorate of the Factory Acts and vested industrial and manufacturing interests that began in the 1830s, privileged the building of long-term relationships between civic and business leaders over excessive pursuit of prosecutions and other legal injunctions. As Cawood (2020, 889) notes, the “reform of the ethics of public officials which was begun within the Factory Office in the 1840s and 1850s led, by the 1860s, to a widespread belief that the civil service could no longer be the domain of languid, corrupt aristocrats and their placement,” but rather “had to become the increasingly responsive centre of a popular state which embodied the needs of the entire nation.” Leonard Horner, the famous nineteenth century English factory inspector, exemplified and contributed greatly to this new “ethos of inspection.” This ethos formed the basic pragmatic scaffolding on which the COF’s own reform-minded inspection practices were built, even as the COF mostly ignored industrial spaces like factories and focused instead on commercial drinking establishments, hotels, tenements, dance halls, movie theaters, cabarets, apartments, clubs, and the various assorted public spaces used for casual and commercial sex by the mass of the population.¹⁴⁵

Like many of New York’s turn-of-the-century bourgeois Progressive anti-prostitution reformers, the COF’s members viewed the most visible forms of sex work—including operations in crowded tenement houses, “street-walking,” and traditional “cat-house” style brothels that operated more or less openly and advertised their wares to

¹⁴⁵ On the use of undercover investigation to explore work and living conditions by reformers, social scientists, social workers, and others in the Progressive Era generally, see Pittenger 2012.

passers-by—as the most dangerous because they exposed large numbers of poor and working-class immigrant women, men, and children to the sex trade on a daily basis. Unlike the moral reformers of the nineteenth century, the COF took the markedly advanced attitude that prostitution was not solvable without fundamental changes to the underlying economic conditions that produced it. This was a significant break from mid-century reformers like George Foster, who had famously described sex work primarily as a moral crisis having to do with innocent, impressionable girls falling victim to the glitz and glamor of fast city life (Foster 1990). And the COF was scientific compared to its predecessors in that it did not imagine its own work as being geared toward the abolition of all forms of sex work, though this did not stop its members from sometimes taking credit for large-scale changes that did occur in the city at various points during its long career. Its members saw prostitution as an inevitable social institution that would always even under the best circumstances be a choice taken by a certain segment of the population unless drastic measures were put in place to prevent the most severe forms of poverty, including for unskilled and “feebleminded” or “mentally deficient” women and girls (Miner 1915, 410; Simkhovitch 1915, 414; Whittin 1915, 416; Miner 1916, 259–260).¹⁴⁶ Law enforcement bodies, even those empowered with broad powers to infiltrate

¹⁴⁶ Determinations of “subnormal mentality” by sociologists and settlement workers were not based on any rigorous scientific standard but could turn on the most subjective considerations. For example, the COF’s Maude E. Miner discussed a case at Waverly House detention facility of an eighteen-year-old girl who was so diagnosed on the basis of “inferior progress made in school, faulty memory, inferior powers of observation, poor planning, lack of foresight, limited imagination and disinclination to learn from experience.” Such tests of “mentality” could be used by judges. See Nixola Greeley-Smith, “Laboratory Test May Cure New York’s Young Criminals,” *Evening World* (New York City), November 24, 1915,

and entrap without sufficient evidence, could at best hope to intervene in the most flagrant examples of abuse, determining which aspects of the sex trade could not be tolerated.

Even as it presented many of its ideas in a kind of objective, scientific, and economics-informed manner, the COF (like many of its turn-of-the-century contemporaries involved in the Anglo-American white slavery discourse at various levels) remained stubbornly attached to Victorian-era gender politics and “race relations” of the postbellum era. Its members generally (though not always) cast white ethnic immigrant and rural Anglo-Saxon women as sexually passive, pure, and virginal. Though they conceded that it was natural for women to crave excitement, they also saw them primarily as the recipients or victims of sexuality rather than as generators or benefactors of it. Prostitution was thus logically at least partly a problem of male libidinal desire gone amok, stoked by the pressures placed on working women by low wages and “bad” home environment, and by the machinations of dangerous criminals—pimps, procurers, madams, and “cadets” —who, in the COF’s view, drove up the demand for prostitution by steering otherwise innocent men to pay for sexual services they would not otherwise seek, even as these same corrupt individuals also drove up the supply of sex workers by “procuring” them through mechanisms of physical, financial, or psychological manipulation.

<https://chroniclingamerica.loc.gov/lccn/sn83030193/1915-11-24/ed-1/seq-3/>; Falconer and Miner 1922, 9–11; Hadden 1968, 111–132. For examples of mental examination reports made at Waverly House, see Miner 1916, 169–176.

Much of this view is plainly presented in the COF's articulation of its theory of the "cadet system," given in its report on *The Social Evil* published in 1910. The cadet system was an abstract sociological and economic construct. It was the outcome of the explosion of social scientific concern with establishing the root causes of crime, sexual perversion, and moral disorder in the profile of "the criminal" that accompanied the proliferation of specialized prisons, workhouses, and other carceral institutions in New York and throughout the United States during the late nineteenth and early twentieth centuries. The cadet system was not a theory of persons or actual individuals, but an abstract theory of the economic and social roles they believed were necessary to the functioning of commercial sex. The category of the cadet was an abstract representation of a particular assemblage of functions which anti-prostitution activists, penal reformers, and social scientists viewed as essential to the creation and maintenance of New York's layered, geographically and technologically mediated sexual economy.

In the COF's perspective, the cadet system combined the functions of the pimp or madam, marketer, and procurer. This included the work of managing and securing a *supply* of labor-power in the form of "white slaves" and otherwise innocent women. This involved the collection, maintenance, and protection of the mass of sexual workers employed. As policing of sex work intensified, cadets also were responsible for holding a hoard of cash to be used as a bail fund. This protected sex workers under their employment from exposure to the city's notoriously unsanitary and unsafe carceral institutions and allowed them to return to work as soon as possible after suffering an arrest.

At the same time, the COF believed that cadets worked also on the *demand* side by serving the functions of promoter and marketer. The cadet steered or enticed customers into paying for sex, many of whom, in the COF's reckoning, were otherwise not looking for sexual services. The "artificial" stimulation for commercial sex exposed otherwise virtuous and capable individuals of the working class to disease and immorality.¹⁴⁷ The cadet could be a single individual who carries out some combination of these functions. Alternatively, these functions could be distributed across a range of figures, including specialists of particular functions.

What the COF's choice to frame New York's sexual economy through the lens of the cadet system reflects above all is the extent to which the COF believed that the sexual economy in America's swelling cities could ultimately best be understood through the language of supply and demand (see for instance, Miner 1916, 127). The activities of foreign-born pimps and underworld gangsters who used some combination of violence, coercion, and trickery to acquire, secure, and exploit a population of kept women were responsible for distorting the natural demand and supply of sexual services. Women kept this way, the COF reasoned, might otherwise seek respectable forms of employment, which in turn would keep them devoted to "normal" sexual ideals while encouraging them to look to marriage and a life of domestic work as the only proper means of personal advancement. Waged work for women was, in its view, ideally a stage along the

¹⁴⁷ Some COF members' opinions on this particular matter were influential in policy arenas. For instance, the Minneapolis Vice Commission's 1911 report cited soon-to-be COF member James Bronson Reynolds' argument in support of its own determination that supply and demand for prostitution were "created by artificial methods." Minneapolis Vice Commission 1911, 102.

path to womanhood, a step on the way to married domestic life. The COF accepted the old sensibility that women should not aspire to attain an autonomous social life. But it did take up the rhetorical framing of commercial sexual vice in New York City as a market distorted by predatory—mostly, but not all male—profit-seekers of various kinds.

“Beyond any question irrespective of extent,” the COF argued,

prostitution as a business in New York City, in order to be profitable, requires the services of the ‘cadet’ and the protector. It is no longer the case that houses of prostitution are established in a locality because there is a demand, and that patrons seek them and go thither in an orderly way. Instead of that, a small army of unemployed vicious young men are used to solicit patrons who are not seeking disorderly places, to keep women on the street to solicit patrons, to see that house secure inmates, and that vice in general is not allowed to decrease. It is for the profit of these men and of various businesses and political interests which find prostitution a valuable pawn in the game for power that women become prostitutes. The ‘cadet’ and ‘protector’ express the abnormal stimulation of vice (Baldwin, Kellor, and Simkhovitch 1910, 66).

Again we see clearly displayed the role played by a kind of vague market utopianism in the COF’s presentation of commercial sexual vice as a product of unnatural market forces: the “business of prostitution” is figured here as relying both on the artificial stimulation of demand for sexual services, achieved through sale of liquor and the deceptive solicitations of cadets, and on the unnaturally high supply of sexual labor power, secured through coercion, threats, and/or physical force.¹⁴⁸ While the COF may have been sympathetic with certain aspects of the debt peonage approach to prostitution,

¹⁴⁸ In 1911, future COF member James Bronson Reynolds also argued that the “social evil” in New York was worsened by “a highly stimulated supply and a highly stimulated demand.” Reynolds, quoted in “Wants to Combat Social Evil,” *Sun* (New York City), January 30, 1911, <https://chroniclingamerica.loc.gov/lccn/sn83030272/1911-01-30/ed-1/seq-5/>.

its investigators in practice only rarely encountered “white slavery” of the kind popularized in the press. Indeed, as the Frederick H. Whitin put it in 1922,

We do not believe that there has been much white slavery (compulsory prostitution) in New York in the last ten years, for it is just that length of time since the police ceased tolerating the sporting house. It was these resorts which furnished the market for the procurer. The increasing repression of prostitution has tended to make it less profitable, and this has further tended to reduce the pimps or panderers—a male person living on the proceeds of prostitution. These men were, and are, potential white slavers, but since there is no physical restraint of their victims they are not classed as such.¹⁴⁹

The COF aimed to defend the traditional heteropatriarchal family form from perceived threats. These included increased female autonomy—a result of higher wages, the transformation of nightlife from the homosocial saloon culture into a heterosocial one where the presence of women in public was increasingly accepted, and new jobs for white ethnic women and girls within white-collar management hierarchies—, growing visibility of homosexuality and lesbianism, and growing acceptance of interracial social and sexual relations among the city’s working-classes.¹⁵⁰

Racism and repressive gender politics had long been in the arsenal of New York’s middle- and upper-class anti-vice and anti-corruption reformers. This was especially true with regard to the issue of police reform, which at least since the early 1860s had come to

¹⁴⁹ Frederick H. Whitin to M. J. Brauer, September 11, 1922, File: “A (general),” Box 9, C14.

¹⁵⁰ Interestingly, this conservative orientation towards women’s “natural” position as housewives dependent on male wages stood in tension with the feminist goals of some COF’s members. Mary K. Simkhovitch in particular argued that a successful campaign for greater economic, social, and political autonomy for women would form “the basis of a higher type of family life,” one characterized by independence and “mutual free surrender” rather than necessity and financial dependence. Simkhovitch 1914, 7; Simkhovitch 1917, 144-145.

form a central concern among the city's monied owning class. Police reform retained this centrality as a prime issue of reform during the final decades of the nineteenth century, even as the dominant hegemonic class in New York shifted from the older forms of banking, mercantile, and land-owning aristocratic capitalists that had emerged vis-à-vis the slavery-based economy of antebellum times toward the newer cultural and political formations of the North American industrial bourgeoisie.

Though they viewed prostitution and other vices through a Progressive and decidedly epidemiological frame, the COF and other similarly militant anti-vice organizations advocated solutions inevitably grounded in expansions of criminalization, the modernization and growth of penitentiary systems, and the granting of special law enforcement powers to special private anti-vice groups. Indeed, though its original mandate was arguably narrow, the COF came to envision its own private surveillance, study, and policing efforts as essential and permanent features of the urban policing, and thus imagined itself as destined to the same degree of permanence as the social evils their work targeted.

Particularly innovative and controversial among the COF's efforts to expand the law's reach and ramp up criminalization were its attempts to change the wording of laws and produce new legal codes that would enable the police to fine, arrest, and imprison not only female sex workers, but also male pimps, tenement house owners, owners of disorderly drinking establishments, and sex workers' customers. When it came to female prostitution in particular the COF's stance was clear and consistent: arrest as many female sex workers possible, have their identities entered into the fingerprint database at

the Women's Night Court, and get them sent to the workhouse or women's reformatory for long periods, where they might receive job training and medical services. Importantly, the COF was actively involved in the nation's early prison reform movement. It believed that police work could only be effective if integrated into a functioning system of punishment and an effective prison system that could serve as a deterrent to crime, and its members corresponded directly with penitentiaries and workhouses when they had questions, suggestions, or concerns.

When approached by concerned parties about the prospect of giving assistance or advice regarding a particular woman in a difficult situation or tricky health condition, the COF doubled down on criminalization as the sole means to social reform. When an agent with the Brooklyn Bureau of Charities contacted the COF about a woman named Bessie Lynch in November of 1917, Whitin's reply was straightforward: "The only thing I think we can do in the case of Mrs. Lynch is to try to get her for prostitution and have her committed to the Workhouse, where she will have further treatment."¹⁵¹ Like others in the white slavery milieu the COF argued that a significant percentage of the city's sex workers were not typical working women unable to secure sufficient wages but were instead helpless innocents who were trafficked, manipulated, or effectively enslaved by foreign-born pimps and madams. Though there were many variations, such nativist myths stood at the center of early twentieth-century white slavery narratives.

¹⁵¹ Frederick H. Whitin to Mrs. Margaret F. Howe, November 26, 1917, File: "Tenement House Department Complaints: 60th-81st," Box 23, C14.

To summarize briefly, undercover investigative and police techniques gained prominence in the US beginning in the 1860s. New forms of industrial labor associated with the railroads, the widening geographical scale of production, and new forms of labor organizing all demanded new mechanisms of social control and law enforcement, mechanisms which the nation's underdeveloped police departments either could not or would not provide. Private groups like the Pinkerton Detective Agency stepped into the void to provide these services to the rising industrial capitalist class. Following in the footsteps of Anthony Comstock's Society for the Prevention of Vice, New York's private bourgeois *fin de siècle* activists took up these methods to advance their protracted agitations against prostitution and municipal corruption.

CHAPTER FOUR: BIOPOWER, THE FORENSICS OF CAPITAL, AND THE COMMITTEE OF FOURTEEN

Looking due Bellevueward from Bessie McCoy's dressing room in the Greenwich Village Theatre, one sees at nightfall the luminous eye of the clock in the tower of the Jefferson Market Police Court. The eye watches over the villagers with a kind of serene and fateful brutality, as who should say, 'I'll git 'em all finally.' The Village raiding squad is secreted in the tower.
—Benjamin De Casseres¹⁵²

Organized in 1905, incorporated for permanent work in 1907, and reformed under a broader mandate to fight “social evil” in February 1912, the Committee of Fourteen was the most influential private anti-prostitution entity in New York City’s history.¹⁵³ This chapter examines the career of the COF through a conceptual framework that combines “biopower” and the “forensics of capital,” in order to interrogate the notions of causality, liability, and contagion which served as scaffolding for the group’s protocols of investigation, methods for adjudicating social difference, and modalities of discipline. In the process, I explore the ways the COF’s efforts to alter behaviors within commercial leisure establishments by using methods of covert surveillance and by engaging in negotiations with governmental and civil society entities. Utilizing specific theories of

¹⁵² Benjamin De Casseres, “Which Is Your Favorite Corner in New York?” *New York Times Magazine*, October 5, 1919, <https://nyti.ms/3IDjwUG>.

¹⁵³ The COF’s office address was 27 East 22nd Street. For summaries of the COF’s career and efforts, see Peters 1918; Whitin 1914; Whitin 1923; Gilfoyle 1992, 303–306; Keire 1997; Mackey 2005, 15–34; Fronc 2006; Johnson 2007; Johnson 2009; Gallas 2022, 95–97.

responsibility for harm to the social body and social hygienist logics of moral and sexual contagion, I show how the COF cultivated a privileged network that worked to govern access to capital according to selective interpretations of the law, particular social scientific beliefs about the causes of vice, crime, immorality, and “disorder,” and historically specific protocols for assessing the inherent worth of individuals.

In using the term biopower I mean to highlight the ways technologies of governance are directed at the selective nurturing of life: how they make some forms of life and ways of living possible while foreclosing on others. Foucault’s conception of biopower attends to the ways the “living (therefore mortal) body is the central object of all politics,” and how this body “is not first a biological organism on which power then acts,” but is rather fabricated through practices of examination and modalities of political action (Preciado 2020). In the COF’s eyes, disorder was injurious, and responsibility for damages associated with immorality rested with those it believed profited from it or had the power to prevent it. The forensics of capital is a conceptual apparatus, adapted by Ralph (2015) from Pietz (2001), that “draws our attention to the question of who owes what to whom” (Ralph and Singhal 2019, 865).

In bringing these frameworks together I want to extend and modify how we understand the COF’s techniques of surveillance, coercion, and discipline to interrogate how these techniques of biopower worked to “organize possibilities and kinds of living, rather than simply record life as it is” (Willse 2008, 242), and to explore how it worked with other privileged individuals and associations to forge consensus, “establish[ing] institutional protocols for determining how injuries should be adjudicated, as well as

which forms of difference are salient and how they shape access to capital and political possibilities” (Ralph and Singhal, 2019, 865).

Biopower and the Forensics of Capital

Knowledge ... is power.
—George W. Alger 1930b, 739

Biopower names the unity of two interlinked modalities of body politics: an “anatomy-politics of the human body,” which is “centered on the body as a machine: its disciplining, the optimization of its capabilities, the extortion of its forces,” and a “biopolitics of the population,”¹⁵⁴ which names a “whole series of interventions and

¹⁵⁴ Voorhees elaborates helpfully on the relationship between Foucault’s categories of population, governmentality, and security: “The ensemble constituting governmentality coheres in the same way that a complex system is more than the sum of its component parts; by virtue of the possible linkages, functions, and transformations—in short the relations of interdependence—between objects within its domain, a system of governmentality maintains the welfare of a population. A crucial but little-examined concept in Foucault’s later work, population is grounded in the emphasis of a ‘common abstract essence’ that allows each person to be thought of as equivalent to every other. A population allows for statistical analyses of patterns, trends, and rates. In this way, population is both a ‘mass’ of beings and a ‘purchase for concerted interventions (through laws, but also through changes of attitude, of ways of acting and living that may be achieved by ‘campaigns’).’ In other words, population is the entry point of economy, not the realm of finance but rather the management of ‘imbrication of men and things,’ into government. It is the conjunction of population and economy that enables the rationalization of the relations between persons, goods, and resources that is essential to the ‘science of government’ and the operation of apparatuses of security. In contrast to the individual focus of disciplinary apparatuses, security is concerned the employment of tactics that exploit the relations between things in order to create a milieu capable of generating a set of desired effects. By thus ‘stacking the deck,’ an apparatus of security endeavors to apply economic principles, by undertaking the ‘rationalization of change and probabilities,’ to manage and cajole the regularities of a population and suppress the aleatory.” Voorhees 2015, 66. Marx emphasized that a society organized around commodity production and exchange—capitalist society—is one where average social labor-power and even “average man” are categories that can (and, indeed, must constantly) be studied become in practice objectively knowable through the application of theories of probability to statistical data of the kinds listed by Voorhees in the quoted

regulatory controls” directed at the “species body,” or the living population conceptualized as a totality (Foucault 1990, 139; see also Foucault 2003, 239–264).

Together, “discipline and biopolitics function to bring biological objects and processes into political and economic calculation; discipline does so by addressing the animal body of the individualized man whereas biopolitics does so by addressing the species body of the total population” (Willse 2008, 243).

Michel Foucault developed the category of biopower to engage a “plane of actuality” that includes: “truth discourses about the ‘vital’ character of human beings,” “strategies for intervention based upon collective existence in the name of life and

passage above. Marx 1976, 440. At the same time, Foucault’s discussion of discipline is also clearly an argument about the operations of governance internal to various layers of capitalist society: “Foucault increasingly telegraphs his argument that there is a fundamental relationship between capitalism and discipline as he insists that discipline is a key, albeit previously under-recognized, aspect of the rise of capitalism. ‘Disciplinary coercion’ is what enables the ‘economic exploitation [that] separates the force and the product of labour’ from the proletariat for the capitalist’s profit. For Marx, profit comes from altering the mode of production to produce a new surplus-value through the exploitation of labourers. *For Foucault, discipline is the social and political mechanism that facilitates the economic control on which a bourgeois society rests, since discipline provides the techniques for controlling labourers (docility) in ways that increase their profit-making productivity (utility).* An older form of Marxist criticism would see the political as simply mirroring the economic. Foucault suggests that the two are inextricably intertwined and mutually affirming, rather than one being dependent on the other.... Rather than substituting Marxist analysis, Foucault arguably builds on and refines it to illustrate exactly how capitalism holds individuals in its grip. Discipline is not a centralized system of control; it is diffuse and discrete.... *The key implication* in this claim that modern power works through a decentralized network is that Foucault suggests that there is not just one force, like the State, that can be overthrown to liberate people. Instead, we are held in place by a capillary network of multiple small nodes, each of which contributes to our subordination, but which can also be compensated for if one fails or is dismantled. The battlegrounds for Foucault are more numerous than traditional political science has considered.” Emphases added, Schwan and Shapiro 2011, 7–9, 100–1.

health,” and modalities of “subjectification, through which individuals are brought to work on themselves, under certain forms of authority, in relation to truth discourses, by means of practices of the self, in the name of their own life or health..., or indeed in the name of the life or health of the population as a whole” (Rabinow and Rose 2006, 197). According to Foucault (1995, 184–185), disciplinary power is always oriented around “the examination,” a typically “highly ritualized” practice that “combines the ceremony of power and the form of the experiment, the deployment of force and the establishment of truth”:

It is a normalizing gaze, a surveillance that makes it possible to qualify, to classify and to punish. It establishes over individuals a visibility through which one differentiates them and judges them...At the heart of the procedures of discipline, [the examination] manifests the subjection of those who are perceived as objects and the objectification of those who are subjected.

The examination is a key element within any biopower regime because it entails the production of authorized, valid, reliable forms of social knowledge, which in turn open up possibilities for intervention into the lives of individuals in the name of the health of the social body. The COF’s undercover investigations demonstrate how the examination functions within a biopower regime: undercover investigators were “the footsoldiers [*sic*] in the COF’s campaign against disorderliness and immorality” (Fronc 2009, 71).

The forensics of capital is a theoretical framework that refers to the “calculus used to adjudicate social standing” within a given juridical regime: it directs our attention to how “political belonging is shaped by strategies for securing political recognition—by protocols for assessing the integrity of a person or polity” (Ralph 2015, 13). It is useful

for exploring “forms of profiling and surveillance that establish forensic profiles as well as strategies used to institutionalize a person’s credit profile, or broker access to capital.” Like credit profiles, forensic profiles “help to illuminate prevailing institutional assumptions and articulations of sovereignty—they rely on these forms of scaffolding” (Ralph and Singhal 2019, 866). The COF’s undercover investigators produced forensic profiles so that its leadership could assess the social and moral standing of individual proprietors according to particular notions of causality and injury, and, ultimately, to arbitrate access to alcohol, credit, and capital. They gathered evidence about disorderly behaviors—injurious, morally corrosive activities thought to be anathema to the future welfare of the social body—through specific self-sanctioned protocols of examination.¹⁵⁵

The social knowledge they produced crystallized out in the form of detailed forensic profiles, which provided productive opportunities for intervention into the vital forces of the social body. These profiles were highly attentive to forms of social difference including race, ethnicity, gender, sexuality, geography, socioeconomic status, and comportment. The COF’s leadership then assessed these profiles, scored the results according to a self-generated, hierarchical set of categories, and updated its “protest list” and distributed it to its institutional and associational networks before moving ahead with whatever forms of legal or extralegal coercion or punishment it believed appropriate. In the COF’s view, the most useful form of cooperation with brewers revolved around

¹⁵⁵ In the words of Frederick Whitin, “Drastic [legal] action can only follow a criminal conviction which necessitates proof of knowledge, a danger which astute proprietors [are] taught to avoid.” Frederick H. Whitin, comment on the report of the Vice Commission of Chicago, 1911, “The Omitted Chapter,” File: “Chicago Vice Commission, Chicago Health Commission,” Box 10, C14. Published as Whitin 1911.

probation cases and the protest list. This flexible, contract-based method of social control was preferable precisely because it was “entirely extra-legal.”¹⁵⁶ To get their establishments off the protest list, proprietors had to sign a binding promissory note agreeing to obey excise laws and attend a lecture by the COF’s leadership. Black proprietors were pressured to agree to special conditions that often had an outsized impact on their businesses’ profitability: they also had to pledge not to sell to white patrons (Fronc 2006, 8).

The forensics of capital brings “explicit attention to the fact that theories of causality, as scientific principles, are not ‘universal,’” and insists that we inquire into the “evidence that structures of governance and credit-debt rely on to adjudicate social...standing” (Ralph 2015, 37).¹⁵⁷ The COF’s beliefs about the causes of disorder were generally aligned with those of its financial backers: big industrial and commercial

¹⁵⁶ “Each case has that arrangement which best suits its conditions. These vary from the verbal promise of the brewer that he will maintain satisfactory conditions through varying amounts of security given for the bond to amending the lease to that the landlord has an option to take possession in three days. These detailed arrangements are worked out by the secretary of the Committee of 14, and those concerned, Brewer, Surety Co. and Proprietor. In case of radical differences, the Committee of the Board of Trade is brought together for decision upon these questions.... This method of proceeding has two advantages, (1) while less than half the cases are as successful as promised, those that do succeed are well worth the effort; (2) its eminent fairness disarms much opposition to an unofficial attempt to enforce a standard of conditions not contained in the Penal Code.” “The Brewers’ Responsibility in New York State,” no date, p. 7–9, File: “Brewers, 1909–1910,” Box 10, C14. The “eminent fairness,” or apparent neutrality of this process was a key aspect of its effectiveness as a means of cooperatively policing commerce. Peters 1918; Keire 1997.

¹⁵⁷ As Mazzucato notes, “accounting methods are evolving social conventions, defined not by physical laws and definite ‘realities’ but reflecting the ideas, theories and ideologies of the age in which they are devised. The way in which a spreadsheet is constructed in itself reflects values.” Mazzucato 2018, 76.

interests, for whom cleaning up drinking establishments and maintaining the city's respectability were key to extending New York's economic power into the future, and from whom the COF's authority and legitimacy were to be derived (Gilfoyle 1992, 303).¹⁵⁸ The COF and its wealthy backers recognized that the causes of disorder also had political origins: Tammany Hall, the Democratic machine which had been the dominant political force in the city, bore much responsibility for profiting from and failing to contain the spread of "commercialized vice." The COF and likeminded Progressives sought to replace Tammany "machine politics and corrupt elections with a rational, routinized bureaucracy based on knowledge, education, and expertise" (Fronc 2009, 27).

Notions of biopower and forensics of capital push me to examine the assumptions about causality and moral contagion underlying the COF's methods. These served as the foundation upon which were made the demands foisted onto individuals who wanted to be considered *credible* enough to run commercial drinking establishments.¹⁵⁹

The COF's privileged position as a strategic partner of both dominant commercial interests and governmental law enforcement bodies meant it could use its own procedures

¹⁵⁸ Founding backers included Andrew Carnegie, Edward Harkness, and Jacob Schiff. For how the city's industrial bourgeoisie cultivated consensus-building mechanisms, social networks, and exclusive spaces for production and assessment of collective class consciousness, see Beckert 2001.

¹⁵⁹ The Latin root of "credit," *credere*, means "to believe." Varoufakis [2013] 2018, 15. The credibility or believability of proprietors' behaviors shaped whether the COF pursued further action against them. If an investigator thought that a surveilled individual was acting in a way that appeared to conceal something potentially disorderly—possibly out of suspicion about the investigator's identity—, or that a place *might* contain disorder at another time of day, then that investigator was expected to note these doubts and recommend methods of investigation to resolve them.

of evidence collection and its own standards of evaluation to adjudicate the social and moral standing of individual proprietors and condition access to capital accordingly.¹⁶⁰

As a preventive society, its goal was not simply to observe conditions but rather to shape them, to intervene actively in the behaviors of individuals with the ultimate goal of restricting the field to only those establishments whose proprietors were willing to both enforce legal codes and actively prevent disorder. Policing and surveillance were to be understood primarily as preventive activities, not merely as a means of punishing offenders. As Raymond B. Fosdick (1920, 355) once put it in his pioneering study,

American Police Systems (published by the Bureau of Social Hygiene), “All police work

¹⁶⁰ A look at the writings of Frederick Whitin is useful for understanding the group’s generally aggressive stance towards the law and lax positions towards evidentiary standards: “I am willing to go further than the present method, under which it is necessary to prove that the woman was the aggressor; that is, that she spoke to the man or men. I would be willing to have arrested and brought into court any woman who was willing to accompany a man for the purpose of prostitution, whether the man solicited her or she solicited him. By this means I think we could reach many women much earlier on the downward path and so be able to do more effective rescue work.” Frederick H. Whitin to Helen Wilson, March 17, 1917, File: “A General,” Box 9, C14. In another letter, penned some four years after the above correspondence, Whitin mentions that one of the standard methods of securing evidence in prostitution cases—namely, the police detective practice, sometimes supported by the COF, whereby unmarried couples were followed to their apartments and there discovered in the act with men with whom they were not married—is under threat of delegitimization in the eyes of the court: “This manner of securing evidence is held by some to be illegal, it being argued that the police have not the right to enter a private house or apartment without a warrant. A case which it is expected will determine this point, has been pending for many months. You will see from the Bulletin, the importance of these cases, which constitute almost 50% of all the prostitution cases in the Women’s Court. In addition, these cases are generally of higher priced places, against which it is almost impossible to secure evidence in any other way.” Frederick H. Whitin to John G. Agar, July 11, 1921, File: “A (general),” Box 9, C14. For a sarcastic article ridiculing the COF’s open antagonism towards “the Law” and its various institutional and municipal representatives, see “Vice Hunters Find Friend in Brewer,” *Sun* (New York City), March 11, 1918, <https://chroniclingamerica.loc.gov/lccn/sn83030431/1918-03-11/ed-1/seq-14/>.

has its goal the prevention of crime.”¹⁶¹ “The average police department,” argued Fosdick, “is still too much merely an agent of *law enforcement*, divorced from responsibility for *causes* of crime.... Just as yellow fever was successfully attacked by draining the swamps and morasses where it bred, so the attack on crime is, at least, a matter of eliminating its breeding places” (356–357).

Fosdick’s position harmonized with the COF’s: it was to the causes, not just the symptoms of crime and disorder that the COF and other preventive societies wanted to

¹⁶¹ Fosdick’s ties to the COF, the Bureau of Social Hygiene, and John D. Rockefeller, Jr. (the former’s chief financial backer and latter’s founder and figurehead) are worthy of comment. See, generally, Gilfoyle 1992, 305. Fosdick was Rockefeller’s close professional associate and personal friend, and when the Bureau of Social Hygiene paid for Fosdick to produce a study of European police systems—the first of its kind, according to Rockefeller—Rockefeller praised Fosdick’s “unprecedented facilities for getting full and exact information.” Rockefeller, quoted in *New York Times*, “Fosdick to Report on European Police,” February 27, 1913, <https://nyti.ms/3D5OvxD>. See also “Finds the Police Trusted in Europe,” *New York Times*, February 21, 1915, <https://nyti.ms/3D5oluM>. In 1927, Fosdick spoke at a remembrance ceremony at the City Club for Frederick Whitin, praising him as “the ‘happy warrior’” against vice; “Honor F. H. Whitin as Vice Crusader,” *New York Times*, January 20, 1927, <https://nyti.ms/3rS62Y6>. He later headed the Rockefeller Foundation beginning in 1936, which by the 1920s was the world’s largest charitable trust and was already global in scope. See “Fosdick to Retire from Foundation,” *New York Times*, March 17, 1948, <https://nyti.ms/3cZIsQv>. As Chernow notes, John D. Rockefeller, Jr. was elected president of the Rockefeller Foundation at its first meeting in 1913: “Like the Family’s other philanthropies, the Rockefeller Foundation was attuned to the optimistic, rational spirit of the Progressive era and drew on its new class of technocrats.... Science would be the magic wand waved over any project to show that it was sound and objective, free of favoritism or self-interest.” Junior’s support for the COF’s work was undoubtedly connected to his leadership of the Foundation, which focused on domestic public health and moral welfare issues in its early years before turning its attention to global medicine, becoming, by 1920, “the largest grant-making foundation on earth and America’s leading sponsor of medical science, medical education, and public health.” Chernow 1998, 567–568, 570.

attend.¹⁶² And the COF was exceptionally successful, in its own way, not in *ending* prostitution but in *adjusting* how the city's commercial amusements were run according to its own understandings of causality and the contagious nature of immorality. In 1905 saloon keepers were highly incentivized to allow prostitution and other vices in their establishments, but by the eve of Prohibition the situation had flipped: permitting open forms of disorder now represented a real financial liability for most drinking establishments and the re-insurance companies that supplied them with credit, since it meant exposure to unsustainable risk in the form of punishments that could lead to diminished profits, bond forfeiture, or bankruptcy. As Gary T. Marx (1988, 139) explains, undercover tactics “fit within a general conception of social control through threat,” and “may be carried on with no intention of formal prosecution.” In such cases, the greater goal can be to “exercise control by threatening to reveal incriminating results” of covert surveillance. The COF preferred whenever possible to leverage information gained through surveillance to coerce businesses into enforcing certain standards of behavior, and often did not immediately move to put an offending business out of action. It believed that by keeping proprietors under its thumb and instilling in them the threat of constant surveillance and formal disciplinary action it could more effectively prevent

¹⁶² Fosdick 1958, 142–161. Fosdick worked with the COF while serving as Chairman of the US Army's Commission on Training Camp Activities from 1916–1919, where he worked both to secure what Secretary of War, Newton D. Baker, called the “conditions necessary to the health and vitality” of the nation's soldiers, and to advise the government “on questions relating to the moral hazards in our training centres, as well as to the promotion of rational recreation facilities within and without the camps.” “Social Hygiene in War Time,” *Maryland Suffrage News*, July 7, 1917, <https://chroniclingamerica.loc.gov/lccn/sn89060379/1917-07-07/ed-1/seq-6/>.

crime than if it simply moved to shut every offending place down, since new disorderly places would inevitably spring up anyway and the investigation process would have to be begun completely anew.¹⁶³

Suppressing the Social Evil

The COF's members were Protestant, Jewish, and Catholic clergy and businessmen hailing from a range of private Progressive reform movements. In Timothy Gilfoyle's (1992, 305) words, the COF's membership "reflected the diversity of groups involved in Progressive reform":

Nearly all parts of the purity and antiprostitution movements supported the COF: purity reformers wanting to suppress any discussion of sexuality, social hygienists fighting prudery and venereal disease, settlement house workers seeking protection of immigrant women, muckrakers attacking municipal politics,

¹⁶³ This element of the COF's approach—its preference for forming relationships with proprietors and getting them to enforce behavioral limits on patrons over closing places which might one day be run correctly—again invites a comparison to the English Factory Inspectors, and Leonard Horner in particular. Horner, as Jones notes, was "loath to prosecute" factory inspectors who violated the Factory Acts, despite his strong moral commitments "to state intervention in factory production." Since there generally "was a need for factory inspectors to develop what was, in many instances, a long-term working relationship with factory and mill owners, inspectors and their superintendents often chose a more conciliatory approach to enforcing the requirements of the Act. Horner was no exception. He tended to avoid formal prosecution if he was confident of his ability to change the practices of factory owners through his own personal influence." However, like the COF, Horner and other exemplars of the inspector ethos were not afraid of prosecutions, "especially in instances where flagrant abuses ... had taken place or when ... personal trust had been flouted." Jones 2007, 128. Indeed, as Marx pointed out in *Capital*, Horner "maintained a life-long battle, not only with embittered employers of labour, but also with Cabinet Ministers, who regarded the number of votes given to them in the House of Commons as far more important than the number of hours worked by the mill-hands." Marx, quoted in Cawood 2020, 890. Even as they preferred cooperation over formal punishments, factory inspectors ultimately had to be willing not just to speak truth in the face of powerful vested interests, but also to be unafraid of flexing what power they had to discipline offenders who proved themselves unlikely to change their ways.

tenement house reformers linking prostitution to inadequate housing, and social scientists treating prostitution as a serious subject of academic inquiry.

Some members of the COF were also leading members of respected entities like the City Club and the Anti-Saloon League. Others were professors, politicians, lawyers, agents of the court, magistrate judges, social scientists, settlement workers, social workers, and urban social activists of every shade. They hailed from a wide range of class factions and often held very different or even directly competing views on economic, social, cultural, and political concerns, especially when it came to matters not directly related to the COF's central mission, with which they were all of course supportive, namely the attack on the twin "social evils" of sexual immorality and commercialized sexual vice.

One of the key uses of undercover investigations for the COF was that it enabled the conditioning of access to capital,¹⁶⁴ that is, that it offered a relatively politically neutral and objective technique by which to alter conduct within "the commercial venues of public drinking by exploiting the mutability of consumer capitalism" (Keire 1997, 573). Indeed, "society's normative or moral order is inextricably bound up with notions of functional 'worth'" (Ingham 1996, 519-520). Since capital is "a store of value to which a person or firm has exclusive access," capital is also "premised on a person's or firm's social standing" (Ralph 2015, 8-9). Capital is not a thing but "a social relation between

¹⁶⁴ E. L. Godkin was among the chorus of Progressive-era commentators to emphasize the practical significance of this insight, writing in an influential essay on the state's duty to protect the citizen's right to reputation that "reputation in trade and business takes the place to a large extent of capital," not least since a person who is highly estimated by their peers "can always command more credit than [their] visible means will warrant." Godkin 1890, 61.

persons which is mediated through things” (Marx 1976, 932). Capital’s existence “entails an agreement by financial institutions that a person or corporate entity has exclusive access to an asset and that the state—i.e., the police or military—will punish unauthorized access to it” (Ralph, 2020).

Soon after its formation in 1905 the COF concluded that Raines Law hotels could not be shut down using existing methods of law enforcement. Though it assisted in over 100 police raids, these proved ineffectual and even damaging: “Not only did a number of judges dismiss the cases, but some judges even went so far as to grant the proprietors injunctions against police interference in their business” (Keire 1997, 575). This early discovery taught the COF that reliance on traditional modes of discipline was anathema to its goals, and it soon turned to more effective methods for policing code violations and immoral conduct: “economic pressure and fear” (Fronc 2006, 21).

A few developments enabled the COF’s strategy to evolve. Representatives of the New York State Brewers’ Association (officially titled the Lager Beer Brewers Board of Trade of New York and Vicinity) approached members of the COF in 1906 with a proposition: their coalition, which represented around eighty brewers, would help the COF shut down the worst Raines Law hotels. Beer was a key commodity to any leisure establishment with an excise liquor license: control over the beer supply meant control over access to capital. New York was a high license state, meaning the fixed money amounts proprietors needed to afford a license and the required insurance on said license (at 150% the license fee) represented “an enormous expense for most saloon keepers and made them vulnerable to corporate control” (Keire 1997, 576). Consequently, brewers

often held a controlling interest in the businesses to which they sold their beer. They could use information produced by the COF's investigators to discipline proprietors of badly run establishments where prostitution and other vices thrived. This aided the brewers, for whom working with authorities to clean up drinking establishments demonstrated to temperance advocates that businesses which served their products could be improved without resorting to prohibition (Peters 1918, 367). Though the brewers had hoped to manage the problem internally, it soon found there were too many obstacles to overcome, and ultimately it looked to the COF to resolve these problems.¹⁶⁵ These

¹⁶⁵ A lengthy discussion of the difficulties of the industry to police itself, even as it felt that doing so was appropriate and in their own long-term interests, is provided in a manuscript prepared by the COF in 1910. It details the difficulties involved in developing a neutral, trustworthy mechanism for surveilling business practices, coming to consensus about the social and moral standing of economic agents, and enforcing agreements: "Most of the brewers recognize their responsibility; how have they met it?... More than three years ago, the Committee of Fourteen came into touch with the Brewers Board of Trade. After an explanation of purposes the Committee of Fourteen furnished to that association a list of places reported by its inspectors to be objectionable. Some of these complaints were acted upon; others were disputed.... Beginning with Jan. 1907, the Committee renewed its complaints on certain places and followed up these complaints very closely. When disputed, as they frequently were, the differences were carefully investigated. These were two-fold... (1) the Brewer was skeptical of the genuineness of the report made by the Committee or to the Committee; (2) the Brewer looked to his collector for his report and in case of difference naturally accepted that made by the man he knew. It generally appeared that the collector's report was not from personal observation made at the most likely hour for bad conditions.... At this time the brewers, by resolution, had promised to refuse financial assistance to the objectionable places. It was hoped that this would close many of them when new licenses had to be secured.... In April 1908 many brewers signed an agreement to withdraw their supply of beer and get off the places where it was proved to be impossible to correct conditions. An arrangement was also made with the surety companies to correct the evils whereby the resorts had secured the necessary bond. A list of such objectionable places was made with the assistance of the Committee. These two means of control, supply and bond, should have been entirely effective.... A committee was appointed by the President of the Board of Trade to decide upon the places to be refused beer and bond. The personnel of this committee appeared to the Committee of 14 to be most acceptable. But for such a

cooperative efforts expanded over time, and by the 1910s the brewers were publicly stating they “would regard it as a calamity if the COF were to pass out of existence, or diminish in any way its activities for the suppression of commercialized vice” (Committee of Fourteen 1917, 11).

Threat of bankruptcy also lubricated the consensus making processes which enabled the COF’s disciplinary schemes. Surety companies, who provided loans to cover the cost of the bond proprietors needed to secure for their annual loans, were pushed to either fall in line with the COF or met its wrath in the form of cascading bond forfeitures and an unsustainable drop in profits (Peters 1909).¹⁶⁶ Unlike the members of the Brewers’ Association, surety companies were nationally rather than regionally headquartered.

committee to exercise jury functions, as was attempted, was to strain the faith in human nature of many of their association that they were not influenced by their own interests, for this committee passed upon the places supplied by its own members, if there were any, (and there were), as well as those of the other brewers.... It is difficult to know how such a jury should be composed, for the... objection of interested motive would always arise.... This brewers’ committee also lacks disciplinary power.... Thus, when a brewer failed to withdraw upon demand, the brewer’s committee did nothing, looking to the Committee of 14 to secure what it could in the way of an improvement of conditions.” Manuscript, “The Brewers’ Responsibility in New York State,” no date, p. 2-5, File: “Brewers, 1909-1910,” Box 10, C14.

¹⁶⁶ The COF recognized that there were understandable competitive reasons why the surety companies refused to play ball right off the bat. It acknowledged that the actions of the brewers were at least partly to blame for the difficulty of getting surety companies on board: “For the action of the surety companies the brewers have the major responsibility. In the desire for low rates, they have encouraged competition; in the race for business the surety companies have not discriminated. In the past the fee for bonds of reputable places have ben [*sic*] used as a bribe to secure the acceptance for bonding of disreputable places. If a company did discriminate a standing threat existed, to bring in a new company, induced to enter the field by a promise of profitable proportion of the business. Or it was possible that a company might be organized which the brewers would control. It has several times been reported that incorporation papers for such a company have already been drawn.” “The Brewers’ Responsibility,” 2.

Consequently, they were not as disposed towards associational consensus as the brewers.¹⁶⁷ The remedy was a mixture of action and threat: the COF drove six surety companies to insolvency, including the Banker Surety Company, an operation responsible for bonding three-fourths of the city's disorderly establishments in 1907 (Keire 1997, 580). It proudly advertised these results to any new surety companies who wanted to conduct business in the city to pressure them into changing how they conduct business and encourage them to join up with the regional Re-Insurance Association. Greater associational consensus among the surety companies served the COF's interests by extending its reach to those proprietors who, being denied a bond by local companies, sought out far-flung alternatives, albeit at higher rates.¹⁶⁸

¹⁶⁷ Faced with mounting losses imposed by the rising number of suits brought by the State Excise Department against excise license holders following the initiation of the COF's campaign, the surety companies finally were pushed to form a permanent organization in April 1906. Its main purpose was to bring some regulation to the increasingly risky business of bonding "saloons of bad repute." "Outlaw Raines Hotels: 500 on the Blacklist," *New York Times*, April 11, 1906, <https://nyti.ms/3k6augX>.

¹⁶⁸ Part of the COF's pressure campaign against bondsmen who continued to extend bonds to disorderly places (or "dives"), once their identities were discovered, was to contact them directly and threaten them with bankruptcy: "Without a bond, a license cannot be secured, without spiritous liquors, there is no need for a license.... There are 22 Surety Companies; there are a host of liquor producers, large and small. The former are controlled by Boards of Directors, leading men in their communities; the latter can only be reached through their organizations to which only a percentage belongs. But the Brewers' Associations of this city have taken organized action to disassociate their business from its evil connection. All the Surety Companies but one, have, in the past two years, refused to write the bonds of disgraceful places, for, as the president of one of the leading companies says, in a letter on this subject: 'We are citizens who have ideals in civic matters.' That this year, there may be no exception is the hope of those co-operating in this movement. This company which for the past two years wrote the bonds of the dives, has given positive assurance that it will not again offend. New York State by a bad law has created disorderly saloons and assignation hotels.... We do not consider it possible that your company would knowingly join in such business, which would be the

In February 1912, having succeeded in closing down the worst of the city's Raines Law hotels, the COF reformed under a broader mandate to combat disorder and the "social evil" in general. Vice and prostitution in particular had to be approached "as a business, conducted for profit, with beneficiaries in all walks of life" (Baldwin, Simkhovitch, and Kellor 1910, xxxiii). The COF acted through both governmental and civic channels to prevent and contain the most visible forms of vice (especially prostitution). It also forged partnerships with members of the city's African American bourgeoisie—including the Negro Liquor Dealers' Association and Fred Moore, editor of the Black-owned newspaper, the *New York Age*—in an effort to enforce Jim Crow in New York's commercialized leisure spaces (Fronc, 2006). By 1912, this scheme of social control was fully fleshed out and was up and running.

During the US involvement in the First World War, the COF supported the War Department's efforts to prevent the spread of venereal disease and regulate immoral conditions, both within the city itself and at military training camps spread across the country (Mackey 2005, 28-29).¹⁶⁹ In November 1918, COF member, Eugene L. Swan,

result of your writing the bonds of the vicious resorts and 'houses of shame', Excise Commissioner Clements' phrase.... The State has recently heavily increased the qualification necessary for a personal bondsman who must possess [unencumbered] real estate in the Borough. But a small number of such bonds can be secured for this purpose. If therefore, the dives cannot secure corporate bonds, the majority will be forced to close. This is the hope and expectation of this Committee." Letter by John P. Peters sent to surety companies, appended to report, "Closing Raines Law Hotels: Business Interests Working with the Committee of Fourteen," August 20, 1909, File: "Brewers, 1909-1910," Box 10, C14 (hereafter "Ruppert, 'Closing Raines Law Hotels,' C14").

¹⁶⁹ Report of J.T. Stockdale and Florence L. Rose on Shotwell's Dance Hall, Brooklyn, April 18, 1919, File: "New York City 1918," Box 32, C14; and Frederick H. Whitin to Captain H. W. Turner, January 16, 1919, File: "New York City 1918," Box 32, C14. The

urged delegates of the newly-formed United Lutheran church in America to help combat the spread of “Bolshevik propaganda” across the nation. According to Swan, who at the time was working under Secretary of War, Newton D. Baker, this propaganda was “spreading like wildfire in many undreamed-of places” —indeed, Swan pointed out that the rebelliousness had even touched Fifth Avenue, where a group of people waving red flags had recently been assaulted by a crowd of uniformed servicemen. All civic organizations, including religious ones, insisted Swan, had a role to play in actively “checking this unrest.”¹⁷⁰

Not all COF members approved of these sorts of aggressive tactics, even as all agreed that the rising popularity and availability of communist and/or socialist literature constituted real threats to the national interest and public safety. Mary K. Simkhovitch viewed socialism as one of the “necessary by-products of over-work,” and while

Commission believed the COF’s everyday work of preventing prostitution among the civilian population of New York was “of very considerable value,” since the “men who come to the Army must be ‘Fit to Fight’ and not disabled by venereal disease.” Unsigned to Rev. John P. Peters, no date, File: “Johnson, Bascom,” Box 24, C14. See also H. W. Turner to Frederick H. Whitin, January 3, 1919, File: “New York City 1918,” Box 24, C14. The COF also participated in political surveillance of political dissidents. For instance, in June 1918, Whitin, wrote to Chief De Woody of the Bureau of Investigation, at the time a small organ of the Justice Department, to warn that a “German alien named Schaeffer” at Morganstein’s Cafe on West 19th Street “was quoted as saying that ‘Liberty Bonds are no good’ and that ‘Berlin will be the center of the universe,’” and “was greatly interested in the troop encampment last fall at Van Cortlandt Park; Frederick H. Whitin to Chief De Woody, June 5, 1918, File: “New York City 1918,” Box 24, C14. See also “New Hunter of Spies in New York District,” *New York Times*, March 31, 1918, <https://nyti.ms/317SHA9>.

¹⁷⁰ Swan, quoted in “Lutherans Name Officers,” *Keowee Courier* (Pickens Court House, South Carolina), November 20, 1918, <https://chroniclingamerica.loc.gov/lccn/sn84026912/1918-11-20/ed-1/seq-1/>.

renouncing “its dogmas” argued that socialism was nevertheless valuable to democratic progress due to its “hatred of poverty, its appreciation of the social damage it causes and in its hope for its abolition” (Simkhovitch 1917b, 176).¹⁷¹ According to George W. Alger (1930b, 739), “the best answer to Communism” was “not extirpating Reds or denouncing Bolshevism, but cleaning house,” that is, protecting millions of American stockholders from fraud by perfecting the corporate command structure and thereby bolstering the public’s confidence in the moral character of the “small class of favored individuals in corporations” tasked with “handling other people’s money.” In a similar vein, former COF member and well-known immigration rights advocate, Frances A. Kellor (1920, 28), insisted in that “bulwarking against economic dissolution” by liberal society offered the solution to Bolshevism and other critical political frameworks, not aggressive and destructive policies of deportation and/or immigration restriction. The knee-jerk choice to “close the doors” in response to a perceived rise in political radicalism, though Kellor, constituted “a confession of fear and of failure” that threatened to drive from the shores

¹⁷¹ “The man to worry about is not the vitally interested socialist, but rather the sodden and obedient disciple, taking what is offered and asking nothing further.” Simkhovitch 1902, 201. Relatedly, Simkhovitch’s husband, Russian-born Vladimir Gregorievitch Simkhovitch, was a professor of economic history at Columbia whose 1913 book, *Marxism Versus Socialism*, represented one of the earliest and most complete representations of the Austrian marginal utility theorist Eugen von Böhm-Bawerk’s popular critique of the theory of value presented in Marx’s *Capital* (the third and last volume of which was published in 1894) for English-reading audiences. On Böhm-Bawerk’s critique, see Heinrich 2021, 61–62. Among Simkhovitch’s distinguished students at Columbia was Milton Friedman, who took his economic history course during the 1933–1934 academic year. See Irwin Collier, “Columbia. Economic History Course taught by Simkhovitch. Attended by Friedman, 1933,” *Economics in the Rear-Mirror View: Archival Artifacts from the History of Economics* (blog), October 16, 2015, <https://www.irwincollier.com/columbia-economic-history-course-taught-by-simkhovitch-attended-by-friedman-1933/>.

of America the “one indispensable, irreducible element required to stabilize and increase production,” namely “the unskilled workman,” without whom the nation’s status as a competitor within international markets could not progress (Kellor 1920, 9). According to Kellor, exploitative living and working conditions like those faced by immigrant workers in many of the nation’s railway, lumber, and highway labor camps constituted a system of “poor economy and bad Americanism” that “breeds anarchy.” The “question facing America” was whether the work of fixing of standards of living should be left “to the Industrial Workers of the World to be worked out in terms of war,” or if Americans would “work it out in terms of peace, utilizing ... for American progress the splendid vitality, courage, loyalty, and intelligence which ... workers from abroad come here prepared to give America” (Kellor 1914, 914–917).¹⁷²

The COF strove to enforce laws designed to regulate and prevent disorderly and immoral behaviors considered to be damaging to the moral character and physical health of the urban population. In cases where laws came into conflict, it decided which to enforce based on its understanding of the needs of this mission. It sought to control behavior in the present to preserve the future welfare of those parts of the population it thought capable of attaining respectability. Its undercover investigations, cultivation of

¹⁷² In 1921, Kellor argued that the war was a missed opportunity for reconciling the nation’s native-born and immigrant populations, noting that many immigrants emerged from “the war with a sense of resentment and, in some instances, of bitterness,” and having been targeted without due process “by self-constituted bodies who took the law into their own hands,” were now “less sure than they were before the war that the guarantees of the American Constitution will protect them.” Kellor, quoted in “Miss Kellor Condemns Our Haphazard Immigration Policy,” *New York Tribune*, January 2, 1921, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1921-01-02/ed-1/seq-72/>. See also Howe 1915.

links with state authorities and law enforcement institutions, and creation of extralegal blackmail schemes enabled it to pressure proprietors into being active custodians of behavior within their establishments.¹⁷³

While some municipal administrations relished the chance to cooperate with the COF's vice agents, others bristled at the idea that private citizens should be empowered to use covert police methods. Notably, the COF enjoyed a high degree of cooperation with the Republican administration of John Purroy Mitchel. An upper-class reformer, Mitchel had appointed Arthur Woods police commissioner. Woods had aggressively taken on police corruption and had actively sought out productive relations with private reform societies as a means of securing a more professional, modern police force and

¹⁷³ The following report, penned by Harry Kahan in mid-March 1921, demonstrates both how COF investigators directed officers to make arrests and the gendered impacts of this work: "About 12:10 am happened to be in a telephone booth at Times Square Building (downstairs) and overheard a man talking to a girl about going to a hotel. She was known to me by sight as a prostitute operating on Broadway and also Grand Central Terminal. (Tipped her off on March 16th to two agents of Travelers' Aid Society, stationed at Grand Central Terminal). Seen that man get a black handbag and asked her to go with him. They both went as far as 41st street [*sic*] and Broadway, then got into Calvert Hotel. I immediately got in touch with officers Rahill and Massey. Soon they came down, they looked over the register and went through every room where couples supposed to be until we found that couple in room #602. That girl was found undressed in a closet and that man was found in room. He admitted she wasn't his wife and she was told to return that man his money back which she accepted from him (\$20.00). She [gave] her name as Jassie Brennan. She was placed under arrest and taken to 30th St. Station house." Report of Harry Kahan, March 18, 1921, File: "2," Box 34, C14. Note that the male customer had his money returned and was let free while the "girl" was placed under arrest for her role in the transaction. The COF advocated for changes to the penal code that would enable punishment of male clients. See Mackey 2005. Though the COF saw the idea of policing of male customers as a means of creating equality between the sexes before the law, such policies if enacted (a doubtful proposition given public sentiment at the time) would have amounted to yet another form of policing of sex work that would have enhanced rather than diminished the criminalization and surveillance of all sex workers.

battling against perceived vice with unprecedented intensity. It was under Mitchel's reign, around 1912, that the police dismantled the remaining traditional "cat house" style brothels of the vice districts (especially Manhattan's Tenderloin). But when the Tammany-backed Democrat John F. Hylan defeated the "boy mayor of New York" in a contentious 1917 election (notably, after securing a majority of support from African American voters), the situation changed dramatically.¹⁷⁴ Hylan's administration, in the words of Frederick H. Whitin, was "antagonistic to those who were friendly to the preceding administration."¹⁷⁵ Whitin complained in a 1920 letter that there was "little hope for doing any constructive work with the present administration, at least for those who are not pro-Hylan and pro-[police commissioner Richard] Enright," adding that "it is generally expected that neither of these officials will be in office after December 31st, 1921."¹⁷⁶ But Whitin was proven wrong: Hylan won the 1921 election handily, though he was ultimately prevented a third term when, after losing support from his party, he was defeated by Tammany-backed Jimmy Walker in 1925. It is not surprising that Hylan did not support the COF's work, given his outspoken opposition to what he saw as the outsize power of anti-democratic elite "wealth lords" in the nation's politics, and, more

¹⁷⁴ COF member William Hamlin Childs directed Mitchel's failed re-election campaign in his capacity as chairman of the executive committee of the Fusion Committee. "William H. Childs, Financier, Dead," *New York Times*, November 3, 1928, <https://nyti.ms/3Lo1Czj>.

¹⁷⁵ Frederick H. Whitin to Henry B. Chamberlain, April 15, 1919, File: "Chicago Vice Commission, Chicago Health Commission," Box 10, C14.

¹⁷⁶ Frederick H. Whitin to Henry B. Chamberlain, July 30, 1920, File: "Chicago Vice Commission, Chicago Health Commission," Box 10, C14.

particularly, given his wholly negative views of Rockefeller influence.¹⁷⁷ Since the effectiveness of its work became much more reliant on police cooperation in the wake of the implementation of the Volstead Act in 1920, the lack of desire on the part of the Enright-led New York Police Department to work with privately funded groups hamstrung the COF's efforts and threatened to push the group's puritanical approach to morality policing into obscurity and obsolescence. However, even as the Walker administration was famously corrupt, the COF did find in its police commissioner, a former state banking commissioner who was appointed in part on the basis of his willingness to discourage officers from trying to enforce the eighteenth amendment, at least a partial ally.

Policing Character

Don't legislate merely for the present.... Prevention is better than cure.
—Lawrence Veiller 1910, 698

There were roughly three sets of practices at the heart of the COF's approach to policing and social reform: the use of undercover investigators to produce knowledge

¹⁷⁷ Even as Hylan was known as a less than forceful orator who had delivered the same stump speech concerning subway fares throughout his entire mayoral campaign, in 1922 he nevertheless gave a powerful, wide-ranging address, covered extensively in the press, in which he denounced the corruptive, anti-democratic influence over political appointments and public policy wielded by “wealth lords,” “tariff beneficiaries,” “public utility exploiters,” “lying press” propagandists, “corrupt big business” interests, “hand-picked judges,” “profiteering munition manufacturers,” propertied proponents of the Ku Klux Klan, and other members of “America’s secret dynastic rulers.” In the speech he also critiqued Standard Oil and the American Sugar Company as corrupt monopolies whose greed was at every turn helped along by a government bent on accommodating their “thirst for power, commercial advantage, and world domination” over and against the welfare of the American people. “Hylan Adds Pinchot to Presidency List,” *New York Times*, December 10, 1922, <https://nyti.ms/3nMzkVF>.

about conditions within establishments; the calculus its members used to adjudicate the moral and social standing of individuals; and the punitive processes pursued on the basis of this calculus in the name of defending the “social hygiene” of the population. I begin from the premise that these three plaited practices of surveillance, judgement, and discipline were oriented towards shaping the future characteristics of the population—that the COF aimed to examine and alter behaviors in the here and now to “make some kinds of living possible while foreclosing others” (Willse 2008, 245).

By what processes did these particular trajectories of data collection, adjudication, and punishment attain social validity? By what logic and according to whose authority were the COF’s protocols of surveillance and regimes of economic coercion legitimated as sanctioned selection mechanisms to be used in the conditioning of individuals’ access to capital?

At the time of its founding, the COF, like many other good-government reformers, temperance advocates, and social hygiene campaigners, understood that Tammany-aligned ward politicians and crooked police captains were responsible for organizing much of the city’s vice.¹⁷⁸ While many smaller sex work operations flew beneath the radar of the police, and were thus not controlled by them, “the most lucrative operations were subject to local police approval,” and, historically, anti-prostitution campaigns which did succeed at raising the costs of crime were typically followed by

¹⁷⁸ The COF’s undercover inspectors “filed thousands of one- to five-page reports on commercial establishments suspected of harboring vice (such as saloons, cabarets, movie theaters, and, during Prohibition, speakeasies) and on street corners and tenements where prostitutes plied their trade,” and they always “took special care to determine if local patrolmen and landlords were colluding in the trade.” Chauncey 1994, 367.

agitations on the part of police captains, who exacted higher protection fees to protect their own interests (Gilfoyle 1992, 253). As a result, the COF—and many others involved in law enforcement reform¹⁷⁹—were highly skeptical that existing police methods could do much to protect the city’s moral character. So it negotiated with its commercial and governmental partners to develop novel mechanisms for directing the distribution of capital so as to *prevent* even seemingly picayune “threats to character¹⁸⁰,” which it and other preventive reformers and social hygienists believed “could, in time, be fatal to persons if not caught and checked because small moral flaws formed the edge of the wedge of larger, more dangerous social problems and individual failures” (Mackey 2005, 11). This underlying understanding of causality and moral contagion helps explain the high degree of detail contained in the forensic profiles produced by its investigators: even the smallest forms of disorder, such as the presence of cigarette-smoking unaccompanied women congregated near saloon bathrooms, posed a potentially grave threat to vulnerable members of society. When asked in an interview with the *Times* about the fact that the COF’s work in concert with the Night Court had led to a tremendous upswing in arrests

¹⁷⁹ “In 1896, Police Commissioner Theodore Roosevelt...conceded that New York’s police system was simply a ‘business of blackmail and protection.’ Commissioner Theodore Bingham concluded in 1907 that police commissioners and mayors served such short terms that police officer[s] looked to local politicians in support. In turn, politicians ‘use[d] the platoons of the Police Department to further their own disreputable affairs.’ Proprietors of commercial sex, wrote a former police commissioner, William McAdoo, ‘have the votes to give and money to swell the campaign fund, and open pocket-books for those who can protect them from the law.’” Gilfoyle 1992, 252.

¹⁸⁰ As Mackey correctly points out, the COF’s advocacy around the so-called “customer amendment” throughout the 1920s was motivated by a desire to defend “the moral value of character through criminal law reform.” Mackey 2005, 107.

for women loitering in the streets of Manhattan and the Bronx over the first four months of 1912—by the COF’s count, 1,774—Fred Whitin tellingly responded that soliciting formed “only one field of the problem,” whereas “the steady attack on all the fields is the thing to be desired.”¹⁸¹

The COF relied almost exclusively on the social knowledge produced by its amateur investigators to adjudicate the social standing of persons. However, its surveillance work did not take place in a vacuum. Its methods reflected broader shifts unfolding across the nation’s urban good-government reform movements. Unlike some moral reformers of previous generations, the COF and other preventive societies which emerged around the turn of the twentieth century generally “refused to blame defective characters and individuals for vice and poverty”: rather, to blame were “urban amusements and institutions that offered unbridled sex and shaped the environment of the immigrant and working-class neighborhood” (Gilfoyle 1986, 648).

Some behaviors targeted for control by the COF were not illegal. These practices were rendered impermissible through the COF’s own selective interpretation and enforcement of vaguely worded laws governing disorder and vagrancy, and through its prioritization of one set of laws regulating behavior over another. The Excise Department, which was officially responsible for regulating liquor licenses, had been stripped of discretionary authority by the Raines Law, and could only revoke a liquor license when such action was mandated as part of a penalty of conviction in court. The state of conditions can be assessed by the sentiments of the head of the Brewers’ Board of

¹⁸¹ “More Arrests of Women,” *New York Times*, May 27, 1912, <https://nyti.ms/3xk5sTH>.

Trade, who wrote in August, 1920, “How favorable to the violators is this excise law without discretion, is best illustrated by the fact that there will be but seventeen licenses refused this year on October first to places of Manhattan.”¹⁸² Excise licenses were distributed with revenue generation for the Republican-controlled state government as the primary goal, not policing the liquor traffic.¹⁸³ In this context, the COF worked to endow itself with “unofficial discretion” by cultivating relationships with “those who have power, due to their business relations with the liquor traffic.”¹⁸⁴

Once the COF’s system was in place, it could effectively judge the social standing of individual proprietors according to its own self-generated protocols of examination and assessment.¹⁸⁵ It created mechanisms of surveillance and punishment in order to

¹⁸² Ruppert, “Closing Raines Law Hotels,” C14.

¹⁸³ Though the Raines Law was, in the words of the COF’s chairman John P. Peters, “political-economical in purpose,” the courts ultimately determined it was constitutional only as a “police measure,” not as a revenue measure. But it was nevertheless from the start “honestly administered for politics and for revenue.” The Excise Commissioner was soon converted into “a mere peddler of licenses,” whose “business was to sell as many licenses as possible and to secure as much revenue for the state as possible.” Peters 1918, 349–350. See Edward Marshall, “A Suggested Solution of New York’s Liquor Problem,” *New York Times Magazine*, March 2, 1913, <https://nyti.ms/3xMio7b>. See also John P. Peters, letter to the editor, “The Liquor Traffic: Explanation of the Attitude of the Committee of Fourteen,” *Sun* (New York), March 30, 1906, <https://chroniclingamerica.loc.gov/lccn/sn83030272/1906-03-30/ed-1/seq-6/>.

¹⁸⁴ Ruppert, “Closing Raines Law Hotels,” C14. On the effort to establish an “unofficial discretion” system, see “Blow at Lawless Saloons,” *New York Times*, August 24, 1909, <https://nyti.ms/3EHmVsN>. See also Peters 1909.

¹⁸⁵ In New York, unlike many other cities at the time, the Commissioner of the Excise Department responsible for the granting saloonkeepers’ liquor licenses was endowed with no powers to investigate or otherwise evaluate the veracity of applications. A description of this situation is presented in a letter written by Frederick H. Whitin to B. J. Rothwell, director of the Massachusetts Bonding and Insurance Company, dated September 16,

1908: “In your letter of Sept. 11th, you refer to the contention of Mr. Palvey’s that the fact that a license is granted should be sufficient evidence that the place is fit to be bonded by a company seeking to do only a reputable business. Neither you nor Mr. Palvey are probably aware that you are ignorant of the New York Law which differs radically in this matter from the Massachusetts law. The latter gives discretionary power to [its] boards of excise while the New York Law gives [its] Commissioner no such powers. In a decision of one of the cases, the Court says, ‘No discretion is vested in the officer granting the certificate. He has no power to investigate but it is his duty to issue the license upon the payment of the fee, proper application being made.’ The case is even worse, for the Commissioner must issue the license even tho [*sic*] he has knowledge that the application cannot be proper on [its] face without containing material [*sic*] false statements.” Whitin assured Rothwell that the process of adjudicating the social standing of proprietors was a just and balanced one that always includes inputs from brewers, surety companies before any authoritative decision is handed down as to the status of a place: “The so-called black-list is made up only after a conference between the representatives of the Brewers, the Surety Companies and this Committee. And after notification, a meeting is held again by those representatives, that the places so listed may appeal as it were and be heard on their own behalf. Thus every precaution is taken to prevent injustice.” Whitin then explains how the COF prefers to cooperate with the police only as a last resort: “With regard to raiding, this Committee does not make raids and believes that [its] work can be best done with as little publicity as possible. Upon discovering a disorderly or objectionable place, it is [its] policy to use every effort to correct conditions before making complaint to the Law Enforcement Agencies. It works with the Brewers on each case, then pressure is put on the licensee by the Bond Company and the owner is appealed to ... correct conditions. Last June, copies of the blacklist were sent to the police dept. and to the Commissioner of Excise, with the statement that they were sent not as a general complaint but for information. Where either of those Departments brings a case which the COF believes is justified, it has been the policy to support as far as possible the prosecution. The charge that discrimination has been made is due to ignorance of the efforts made against those supposed to be favored and it is generally made by those who asking favors have been denied. Anyone who at any time thinks that such a condition exist, has but to ask for the facts; there is nothing to be concealed.” Frederick H. Whitin to B. J. Rothwell, Esq., September 16, 1908, File: “Brewers, 1908, September-December,” Box 10, C14. An undated report explains further the situation with respect to the Excise department’s lack of discretionary power: “To understand the responsibility of the brewers in New York, one must know certain features of the Excise law of that state.... (1) Lack of powers of discretion by Excise officials.... (2) The surety bond for 150% of the license fee.... (3) A high license payable yearly in advance, rebatable if certificate is surrendered before expiration of year.... In the law, which preceded the Raines law of today, officials who were locally appointed possessed discretionary powers. The measure of successful operation of this discretion is seen in the abolition of all discretionary power under the new law. The only check now is the power of revocation of license and forfeiture of bond after the law has been violated; which

condition the distribution of capital to individuals according to distinct moral and logical criteria, using its contacts with brewers and surety companies to police the boundaries of acceptable behavior according to its own ideals. Meanwhile, the penal code's vague language left "the definition of the situation (such as what, precisely, constituted an offense to 'public decency') to the discretion of the COF and its undercover investigators" (Fronc 2009, 71).

Other targeted behaviors were explicitly protected by anti-discrimination codes. This included "race mixing": activities the COF considered to offend the Jim Crow "color line," which it reckoned created opportunities for dangerous interracial sexuality among the working classes (See Fronc 2006, 9; Fronc 2009, 95–122; Hartman 2019, 248–250).

The race, gender, ethnicity, and language fluency of the COF's undercover investigators mattered, since their job was to fit in and get along with the people they spied on (Fronc 2009, 75–76). The COF relied on its investigators' capacities to insinuate themselves into social circles without drawing suspicion. Investigators who failed to look and act the part were at risk of exposure or were unable to interact effectively with individuals so as to maximize the quality and quantity of data collected in the course of

power is vested in the court.... Lack of official discretion puts the responsibility upon those associated with the business that they may not encourage and support evil conditions: The responsibility is upon everyone concerned, and especially the owners, but falls particularly upon the brewers. His name is emblazoned upon each place, his goods are most prominently delivered. His are the fixtures which he is the lender who advances the money for the annual fee, being repaid in [installments] which are incorporated into the beer bill. He files a chattel mortgage on the fixtures and its equivalent with the Excise Department to secure his 'Excise loan'." No author, manuscript, "The Brewers' Responsibility in New York State," no date, File: "Brewers, 1909-1910," Box 10, C14.

their examinations.¹⁸⁶ In practice this often meant hiring men and women of various racial and ethnic backgrounds who were willing to inform on leisure spaces they

¹⁸⁶ Instances of exposure are rare but by no means absent from the archive. In one case an unnamed white COF investigator revealed himself to the manager of Arthur Haenel's cabaret at 2252 Fifth Avenue to complain that Haenel was violating his agreement with the COF. The manager—a Black man characterized by the COF's bigoted inspector as “a big black coon” —followed the investigator to Leroy Wilkins's place at 2220 Fifth Avenue to “tip [Wilkins] off that the COF would pay him a visit.” The investigator's account of the events that followed are revealing: “While talking to Leroy, [...] one of his waiters gave him a note and whispered something about the COF. I insisted on seeing the note and Leroy became quite sulky, claiming that I had gone further than any of the COF had ever dared to go when I asked to see his personal communication. I finally succeeded in getting it from him and, as I suspected, was the communication above referred to. I believe that a colored investigator would probably be able to get something on this place.” Reports on Arthur Haenel's place, 2252 5th Ave, and Leroy Wilkins's, 2220 5th Ave, no date, File: “Investigations for 1918 Protest List; follow up investigations,” Box 33, C14. In another case, COF investigator David Oppenheim (undercover as Daniel Ogden) spent an evening at the North End Hotel, located at 701 Lenox Ave., trying to “disarm” his waiter, Jimmie Lamonte, who had recognized him from a previous encounter. Jimmie had previously worked at a Brooklyn cabaret, run by an Italian expugilist, which Oppenheim had investigated for the COF. The place was closed down, possibly because of the COF's activities, leading Oppenheim to worry that Jimmie might blow his cover: “Jimmie recognized me and told me where he had met me. I at first didn't let on that I knew him but after he told me a few things that had taken place there that night I said oh yes that's right I know the place you mean, I hardly recognized you, he said that place is closed now and he wished it was closed the first day it opened, the boss still owes 2 weeks wages. He said when you came in that night I almost got in bad on account of you, they told me you were a bull from the comm of 14 and wanted to know what you were saying to me. I said where do I come in to be a bull for the comm of 14, I said Katz, Brown and every one of the waiters around here are my friends and they all know me for years. I have been coming in here and almost every cabaret in N.Y. and if I was a bull [police detective] I'd have had all these places raided a few years ago. I have been to dumps that are a hundred per cent worse than that [Brooklyn] place ever was.... He said I didn't think you were a Comm of 14 man, but of course I didn't know, this was the first week I was working there and they all jumped on me, they thought I was in with you, the one that tipped me off was that girl that was sitting with that wine party at the next table to you, the one that you said you knew and asked me to tell her to turn around, she said she heard you telling me to kick her in the shins to draw her attention, and she told me you were a comm of 14 man and that you were after her and said I shouldn't give you any information about her. He also said the boss got him in the bar room and asked him what I had to say....he said that place was nothing but a disorderly house, and that the

themselves might have visited. Investigators participated in immoral behaviors but were protected from moral scrutiny by the “mantle of ‘investigator’” (Fronc 2006, 7). For investigators working for moral reform groups like the Committee of Fifteen and the COF, every night on the job presented “potential for pleasure,” which may well have contributed to the attractiveness of surveillance work (Fronc 2006, 70).

The COF’s understandings of causality and moral contagion were informed by a combination of political and social discourses popular both within and outside of the academy, including mainstream eugenics and theories of individual responsibility, self-help, and racial “uplift” ideology of the sort popularized by Booker T. Washington.¹⁸⁷

women that care in there were all prostitutes and the men were all pimps, he said they all jumped on him and were going to Lynch him that night....Conditions in this place seemed to be pretty good, the reason that I remained here as long as I did was because I was trying to disarm Jimmie and I think I succeeded. I am almost sure he does not suspect me and if he does, he will keep it to himself.” Report of David Oppenheim on the North End Hotel, 701 Lenox Ave., February 11, 1917, File: “1917 #5,” Box 32, C14.

¹⁸⁷ “‘Business’ to Save American Negroes,” *New York Times*, June 7, 1909, <https://nyti.ms/3seSnK9>. In *Up from Slavery* (1901), Washington “constructed a program and a rhetoric that promised group progress through acquiescence to white supremacy,” cast in “the idiom of the gospel of personal enrichment then popular in both religious and secular (and overlapping) forms.” Reed 2000, 79. When searching for Black investigators to do its bidding, the COF tellingly hoped to find men “of the Booker T. Washington type.” Fronc 2006, 9–10; Robertson 2009, 490. Historian Shannon King provides valuable context as to the causes and political implications of Black “uplift” politics in early twentieth century New York: “As in the Tenderloin and San Juan Hill districts in 1905, so in Harlem in 1907, 1909, and 1911, blacks fiercely battled white civilians, youth gangs, and the police in saloons and on the streets. Whether appealing to the police commissioner to intervene or arming themselves for self-protection, Black New Yorkers endeavored to shield themselves and their communities from police violence. These individual and collective forms of Black expression and resistance in public and private spaces triggered coordinated and organization responses from the Black community and jump-started Harlem’s social reform movement for community respectability. Concerned about the reputation and the moral fiber of the neighborhood, Black spokespeople and the *New York Age*, the city’s major Black weekly” —a paper whose editor, Fred R. Moore

Like proponents of the broader eugenics movement, social hygienists worked to develop techniques of racialized knowledge production and governance that would allow for the observation, intervention, and regulation of individuals in such a way as to alter social relations at the level of the population (Kline 2001, 13; White 2001). The COF was not alone in its belief that the protection of the character of white working-class families required the enforcement of racial segregation. Many of the nation's most vocal Progressive reformers "operated with assumptions about race and class that influenced their efforts at the local level as well as broader social policy initiatives" (Lilley, Leon, and Bowler 2019, 40). For instance, Katharine Bement Davis¹⁸⁸, the founding

was a strategic partner of the COF— "contended that they had the community right to establish a respectable neighborhood and enforce upright public and private behavior. These endeavors for respectability emerged from late-nineteenth and early twentieth century campaigns of black ministers, reformers, and citizens, who formed uplift organizations to accommodate the expansion of the black population during the pre-World War I migration and the steady growth of the black population in Harlem. Thus, along with black churches, organizations like Victoria Earle Matthews' White Rose Mission (1897) and the National Urban League (1911), sought to equip black New Yorkers and newcomers with vocational training and welfare resources and to modify black behavior in order to ensure Harlem's reputation as a neighborhood of respectability and law and order." King 2015, 8.

¹⁸⁸ Frederick Whitin corresponded with Davis in January of 1912, while she was serving in her role as Superintendent of the Bedford Reformatory. Whitin's reason for writing was to ask why Bedford had received such a low number of women charged in the Women's Night Court between September 1, 1910 and August 31, 1911 (just 38 out of 3573 cases, according to the newly instituted system of record keeping based on fingerprinting methods): "I am writing at this time to inquire whether this extremely limited number of cases is due to information from you that Bedford is full, or whether it is a mere matter of disposition with magistrates. Judge Appleton told me yesterday afternoon that he was so much impressed with the wonderfully efficient work that you are doing, to which I added 'Amen', that he did not know of any possible better disposition of any likely case." Frederick H. Whitin to Katharine Bement Davis, January 6, 1912, File: "General Correspondence, 1912, January," Box 1, C14. In her response, Davis indicated her willingness to remain in touch with the COF and her desire to see a copy of

the fingerprint records mentioned in Whitin's letter. Her answer to his inquiry was that Bedford was indeed full, stating "we are paroling about as fast as we receive and we could not care for many more than we have now without we are [*sic*] given additional buildings." More importantly, she then offered some interesting reflections on her views on the need for more penal intervention in the lives of wayward women: "Personally, I feel that we are doing as good work as any of the private institutions and should do better for the reason that we have a more complete educational and industrial equipment, we have the facility for outdoor work, and a much greater amount of personal freedom than can be given to girl in any city institution, and we have what is most important of all, facilities for classification from our cottage system. In my judgment...there is no legal reason why all promising cases should not be sent to us. In my opinion the reason why advantage is not taken by more Magistrates of the power of commitment is the prevailing feeling among Magistrates themselves and the almost universal opinion of lawyers and of politicians that an indeterminate sentence, with a possible three year maximum, is an unfair thing 'for so small a thing as soliciting which does not even amount to a misdemeanor.' Another reason why it is unpopular is that we have never yielded to the persuasions of politicians, lawyers, or of the magistrates themselves to release the girls before we believe they were fitted for it simply as a favor to the parties asking for it. I understand from managers of some of the best private institutions for delinquent girls that they are constantly obliged to yield to this persuasion and send out girls who have been with them only a few weeks or a few months, contrary to their judgment, because if they refuse it would make the institution so unpopular that the Magistrates would decline to make commitments." Katherine Bement Davis to Frederick H. Whitin, January 8, 1912, File: "General Correspondence, 1912, January," Box 1, C14. Another letter written by Whitin, also dated January 6, 1912, provides some helpful context to his decision to write to Davis. This letter was addressed to Patrick A. Whitney, the Commissioner of the New York City Department of Corrections. It concerned a recent visit Whitin had made to the workhouse located on Blackwell's Island (now Roosevelt Island) —the same island made internationally famous in the late 1880s by Nellie Bly's reporting on conditions at the Women's Lunatic Asylum located there. He was accompanied by John A. Kingsbury, general agent for the Association for the Improving the Condition of the Poor, Dr. Ernest Stagg Whitin of the National Committee on Prison Labor, and Bailey B. Burritt, member of the Committee on Criminal Courts and a well-known early advocate of the family health movement. The group toured the facility and found it woefully lacking by modern standards. Frederick Whitin wrote: "For myself, and the interest of this Committee, the very great increase of commitments by the magistrates in the Women's Night Court, for loitering and soliciting, make the problem [of the work-house] of considerable moment for us. The effect on the conditions of the streets may be beneficial and I am ready to bear testimony to that effect. But the women, who in my belief, are already victims of our social and economic systems, are made to suffer further. This should not be. The mentally defective should be separated, the physically diseased should be cured, the economically incompetent should be trained, and the really bad women should be detailed for a sufficiently long period to effectively act as a deterrent [*sic*] to the

superintendent of New York's Bedford Reformatory for Women and an ally of the COF, "utilized race as a line to demarcate the worthiness and unworthiness among women incarcerated for prostitution," and further used this color line to narrate white prostitutes as victims of circumstance and Black and African American prostitutes—who were grossly overrepresented at Bedford, both because, being largely "excluded from New York's industrial sector" at the turn of century, Black workers, "far more often than members of any other group in the city, found themselves consigned to unskilled, menial, and service jobs" (Sacks 2006, 112; see also Miller 1906; Ovington 1906; Ovington 1911) and because their social location made them more likely to operate "on the street" than ethnic white sex workers—as dangerous criminals and carriers of immoral blight who represented a threat to society (Lilly, Leon, and Bowler, 2019, 33; see National Committee on Prisons and Prison Labor 1916, 6–7). The COF and other wealthy preventive reformers viewed policing Blackness to be "essential to ensuring the health of the social body and minimizing danger" (Hartman 2019, 248). Black and tans, places typically owned by Black men but patronized by ethnic white women, were seen as particularly "bad" by COF members because they allowed flirtation in the form of unsupervised dancing, singing, and conversation across the color line (Miner 1916, 84).

In 1912, W. E. B. Du Bois wrote to the COF to complain that its stated reason for recommending the revocation of the liquor license of Marshall's Hotel on West 53rd Street—that it served alcohol to both Black and white patrons—amounted to a violation

continuance of their preying upon society in the open and aggressive manner of the street-walker." Frederick H. Whitin to Patrick A. Whitney, January 6, 1912, File: "General Correspondence, 1912, January," Box 1, C14.

of New York's anti-segregation laws.¹⁸⁹ Frederick Whitin responded that such segregation was necessary for the containment of disorder, arguing that "Disorderly is

¹⁸⁹ "Pursuant to your suggestion made to me I visited the premises of one James Marshall....for the purpose of ascertaining the actual conditions existing there, Marshall having informed you that everything was on the level and above board.... It might be said in passing and in fairness to Marshall, that the general moral tone of the place has greatly improved since I had occasion to visit the place some fifteen months since. Frankly, there were not evidences of disorder in the strict legal sense, but I have my own peculiar ideas of any place in which black and whites are entertained....In the left hand dining room at one of the tables was a party of eight colored folks, two of whom were colored women and one white woman, who was of the degenerate type as far as I can judge, and who was....the lover of a rather light colored negro, who was in the party. The white woman was evidently a habitu  of the place from the fact that she was on very familiar terms with the colored entertainer and would from time to time applaud very boisterously their very mediocre performances.... My friend and myself were evidently under suspicion because Marshall would, from time to time, go about the place and look about [the] same to see that no disorder would manifest itself.... I pursued the usual tactics, that alleged good fellows pursue in places of this kind, buying drinks, tipping the singers, and in general conducting myself as a man anxious to get rid of money which he had acquired easily....I had heretofore been known in this place as a high class vaudeville actor, but Friday night, they evidently forgot me, and at ten minutes of one I was duly informed that owing to the Excise Law I could get no intoxicating liquor after one A. M.... However, at about 12:55 an entertainer named Patrick whom I knew, entered the place, and I ordered a drink for him. As I ordered said drink, the assistant manager of the place called him out in the hall and spoke to him. He returned in a few moments and said, 'They were afraid of you, and didn't want to let me drink with you, but I want to fix you right here; I told him you were all right. Let me introduce you to Marshall, so that when you come in again, everything will be all right' We thereupon had three drinks at ten minutes after one a.m., Patrick drinking straight whiskey, my friend a Benedictine cordial, and myself Benedictine and Creme de Cocoa....I ordered another round of drinks; my friend drinking Benedictine, the colored man, Patrick drinking whiskey, and myself ordering no drink of any character.... After Patrick had vouched for me, things seemed to brighten up in the place and Marshall contented himself by sitting down with a party of people in the right hand side dining room. Directly back of Marshall, within about two feet of him, was a party of white folks, two of the women of which were smoking cigarettes. At one o'clock or thereabouts, two negro men, a negro woman, who holding a maudlin drunken man, sat at a table near me, and the negro woman began to caress the white man who was stupefied and who would rather sleep evidently than listen to her. She ordered a bottle of White Rock for the white man in an endeavor to arouse him from his stupor, but though she held the glass to his mouth, he was not able to evidently awaken, and when I left at one forty A. M., he was [a] rather sorry spectacle in this negro party.... At one of the

worse than discrimination” (Hartman 2019, 249; See also Fronc 2006, 5–7; Fronc 2009, 95–99). Whitin appealed to Du Bois’s class status: “in addition to being on the border line of entertainment places, [Marshall’s] has that unfortunate mixing of the races which when the individuals are of the ordinary class, always means danger.”¹⁹⁰ Disturbed by Whitin’s racist reasoning, Du Bois retorted that the COF was “seeking to violate the laws of the State of New York, which expressly declare that discrimination between the races must not be made in places of public entertainment.”¹⁹¹ The COF’s undercover investigations functioned as a form of “racializing surveillance,” a term Browne (2015,

lower tables was seated a party of two men and two white women, but they were very quiet.... At no time was I solicited while in the premises, although one colored woman did smile at me, but she was joined shortly after by a negro male companion, and I wasn’t honored further by her fond glances!... When I left the place at one forty a.m., it was in full blast; coon singers shouting and liquors being served, and as a matter of fact, was at this time better filled than at any time during my stay.... When I left the place, I dismissed the chauffeur, whom I had been holding in readiness in the event of securing negro women, finding that in places of this character, the word “auto” is the open sesame whereby evidences of a disorderly character are more readily obtained.... I entered Marshall’s thoroughly without prejudice, and because of my interest in Excise problems, rather than because of reason of any compensation I might receive for my services; and the report I make is....still without prejudice, and I might say I consider the place fair in moral tone, and though I believe it is the rendezvous for young colored men and women, I frankly do not believe the women are of the dissolute type, but are women who desire to meet colored men who are receiving a better income than the average colored fellow, and I think that Marshall caters to this type of colored person.... Whether Marshall was led by any other motive than the one to preserve order in going about from table to table on the night I visited the place, I of course, do not know, but in justice to him, I will say that any little disorder which might crop up was quickly suppressed by him and I must give him the benefit of the doubt.” Report of George Francis O’Neill on James Marshall’s Place, September 28, 1912, File: “Invest. Rep 1912,” Box 28, C14.

¹⁹⁰ Frederick Whitin to W. E. B. Du Bois, October 11, 1912, File: “W. E. B. Du Bois,” Box 11, C14.

¹⁹¹ W. E. B. Du Bois to F. H. Whitin, October 14, 1912, File: “W. E. B. Du Bois,” Box 11, C14.

17) deploys to describe instances where “enactments of surveillance reify boundaries along racial lines, thereby reifying race, and where the outcome of this is often discriminatory and violent treatment.” The COF’s surveillance had discriminatory intent: it was informed by and contributed to moral panics over the implications of race mixing and helped bring Jim Crow into New York’s commercial spaces.¹⁹²

By 1909, the COF began to search for ties with “respectable” Black leaders and business owners in order to enforce their segregationist vision, eventually finding a strong link in the form of Fred Moore. Along with Philip A. Payton, Jr., Moore had founded the Afro-American Realty Company in 1904, which bought up large amounts of real estate in Harlem in an attempt to slow the tide of poor Black people into the neighborhood. By the time the COF connected with him, he was editor of *The New York Age*, a conservative publication which “exemplified a northern, urban vision of the conservative social vision,” modeled after Booker T. Washington’s concepts of “self-

¹⁹² Consider, for instance, the language of the promissory note that the COF coerced Barron Wilkins, the Black proprietor of a prominent saloon at 253 West 35th Street, to sign to get his place downgraded from a label of “disorderly” on the COF’s blacklist. Wilkins’s establishment which was, in the COF’s reckoning, “especially notorious as being a resort not merely for colored people, but also for whites, especially actresses the type of Eva [Tanguay] and Lillian Russell’s daughter,” a place “to which anyone could gain admittance, and was known to have the reputation of being one of the worst places of its kind in the city.” Frederick H. Whitin to Mrs. William H. Baldwin, August 10, 1910, File: “Baldwin, Mrs. Wm. H.,” Box 10, C14. The promissory note makes clear the importance of race and gender identity to the COF’s understanding of what running an orderly establishment entailed, in its view: “For and in consideration of the making to me of a license loan, I as licensee and proprietor of the saloon #253 West 36th St. promise that I will admit no women without male escorts after 10 P. M. And that I will at no time admit male whites to any part of the licensed premises to which colored women are admitted. that I will not admit at any time any white women.” Promissory note for Barron Wilkins, Sept. 23rd, 1909, File: “Baldwin, Mrs. Wm. H.,” Box 10, C14.

sufficiency and uplift” (Fronc, 2009:109)—terms which steadily gained popularity amongst white social activists into the 1920s. Moore was an invaluable resource to the COF in the sense that his Blackness legitimized its tactics as race-neutral or somehow anti-racist. Under Moore’s direction, the *Age* consistently emphasized the importance of individual responsibility as the means for overcoming racial and class difference, a narrative that very much lined up with the ideological frame operative within the COF already.

Yet the COF’s attempts to control relations between “the races” did not go unchallenged by the city’s African American bourgeoisie. In September 1915, for example, D. E. Tobias, an uplift advocate who wrote editorials for the *New York Age*, complained in a letter to the COF about anti-Black language used in its the group’s annual report for 1914.¹⁹³ A year later, Tobias wrote to Fred Moore encouraging him to back away from his ties with the COF, citing the damage that the group’s segregationist agenda might do to the Black community. In his letter, Tobias implored Moore to see that segregation has already arrived through the back door in New York City: “Colored men, engaged in Cafe and Saloon business, seem afraid to admit me to their places lest Mr. Fred R. Moore and the Committee of Fourteen might hear about it and trouble will follow. This is a sad state of affairs!”¹⁹⁴ Moreover, while the COF did persistently surveil Harlem and other Black neighborhoods, especially as they became centers of commercial

¹⁹³ D. E. Tobias to Walter G. Hooke, September 22, 1915, File: “Moore, Frederick R.,” Box 11, C14.

¹⁹⁴ D. E. Tobias to Fred Moore, March 25, 1916, File: “Moore, Frederick R.,” Box 11, C14.

entertainment in the 1920s, this work was constrained by the fact that few African Americans were willing to participate in its segregationist agenda, and by counter surveillance measures gradually introduced into privatized Black leisure spaces after the Volstead Act¹⁹⁵ went into effect in January of 1920, banning alcohol sales across the country (See Mackey 2005, 52–53; Robertson 2009).

Black New Yorkers were not the only ones racialized by the COF's surveillance: it was expected that investigators provide descriptions of the ethnic and racial makeup of persons surveilled, since these markers were just as important as gender, sexual orientation,¹⁹⁶ class position, and comportment to the calculus of social difference the

¹⁹⁵ The COF did not attempt to enforce the Volstead Act. As Whitin explained in December 1921, to Samuel P. Thrasher of the Chicago vice commission, the Committee of Fifteen (unrelated to New York's Committee of Fifteen), the COF was "interested in [the Volstead Act] when the place involved is disorderly or suspected of being disorderly. There are a number of places where liquor is undoubtedly being sold which are disorderly within our definition of it, but against which it is extremely difficult to get the evidence necessary for a conviction. These places are resorted to by prostitutes, though they constitute but a small proportion of the total number of patrons. Most of these are cabarets and dance halls, and t[he] solicitation is done while the patron is dancing with the prostitute." Instead of pursuing direct enforcement of the Act, which carried many obstacles, the COF focused on advocating for new pieces of legislation: "I am now diligently seeking an amendment to our law...which will arrest the man who pays the prostitute for sexual intercourse, but not the man who has relations with a woman without paying her. The latter offense would be fornication, and public opinion is strongly opposed, as yet, to making this latter an offense. Unfortunately, in those states which have a fornication law it seems to be in the class of the unenforced laws. Even when arrests are made, the penalties imposed are totally inadequate as a deterrent." Frederick H. Whitin to Samuel P. Thrasher, December 5, 1921, File: "Committee of Fifteen (Chicago)," Box 10, C14. On the "customer amendment," see Mackey 2005.

¹⁹⁶ "Fairies," "perverts" and "degenerates" appear as identities to be suppressed in many of the COF's reports. Sometimes the COF explicitly searched for "fairies," especially when investigating particular areas of city (such as Greenwich Village) known to be home to many gay and lesbian people and gender-bending performances. An undated report, written by African American inspector Raymond Claymes in 1928, details how

COF used to assess individuals' respectability and credit-worthiness (Johnson 2007; Johnson 2009).¹⁹⁷ Investigators and COF members drew upon and contributed to

three popular speakeasies in Harlem were frequently visited and patronized by “men who were ‘lovers of men’ popularly called ‘faggots’ or ‘fairies,’” and two “dens frequented by women only, women who ‘love other women’ known as ‘bull-daggers’ or ‘lady lovers.’” also present were “women who got sex gratification from a degenerate who employed only his lips and tongue.” Draft on Harlem conditions, Raymond Claymes [unsigned], File: “Harlem Report on Conditions,” Box 82, C14. The Village was by the early twentieth century known as a space of radicals, feminists, anarchists, and “free lovers,” where gender and sexual norms were consistently challenged by residents and visitors alike. For example, in his report on Webster Hall, David Oppenheim (undercover as Daniel Ogden) accounts how he repeatedly attempted to “get any line on ‘Fairies’” — with no success: “My informant told me that most of the people that patronize these affairs belong down in Greenwich Village.... he said they are mostly a Bohemian crowd.... I tried to get a line on the ‘Fairies’ from him, but he told me that as far as he knew, there weren’t any around tonight, he said when they have the big crowds here you can always find a few of them around. I also got in with several other cliques of men and stood around the bar talking and drinking with them but couldn’t get any line on ‘Fairies.’ I pointed to 2 men that appeared to be ‘Sissy’s’ and asked if they weren’t ‘fairies,’ the party that I was speaking to at the time said he knew both these men and are sure they are not that kind although they look it. I also got next to a woman here.... I dated her up to meet her [at the Black Cat restaurant] Wednesday night at 9 o’clock, I tried to pump her about ‘Fairies,’ she said there are quite a few of them in the village (Greenwich Village) but there aren’t any of them in here tonight as far as she knew.” David Oppenheim report on 119 E. 11th St., March 6, 1917, File: “1917 #3,” Box 32, C14. This case illustrates also how the line between a “Fairy” and a “normal” (heterosexual) man was not easily distinguishable in the Village in the Spring of 1917—or, at the very least, that such a line could not be reliably drawn by the COF’s inspector. Another instance is worthy of note. COF investigator Harry Kahan and a man accompanying him by the name of Cordes narrowly avoided a stick-up by three men who followed them for several blocks. Kahan and Cordes noticed the men and got the jump on them at Columbus Circle and gave them “a good beaten [*sic*].” When the dust settled, the pursuers admitted they intended to rob Kahan and Cordes because they thought they were “a couple fairies.” Kahan reports that Cordes “had a big diamond scarf pin in his tie in a form of a horseshoe.” The implication is that this pin was both visibly valuable and a potential indication that Kahan and Cordes were “fairies” and that this would therefore be a “soft job.” Report of Harry Kahan on Alpine Restaurant, no date, “Broadway, 1920-21,” Box 34, C14.

¹⁹⁷ For examples, see report of David Oppenheim on Piccadilly, 9 Flatbush Ave, Brooklyn, April 13, 1919, File: “12,” Box 32, C14; and report of Harry Kahan, October 8, 1919, File: “Investigator Reports, 1919,” Box 34, C14.

distinctly nativist “white slavery” discourses, especially in the period before the First World War, which centered the notion that foreign pimps were holding large numbers of women against their will for purposes of sexual exploitation.¹⁹⁸ As nativist, xenophobic, and anti-communist sentiments gained ground during the War, the COF also participated in political surveillance of perceived dissidents within and around the city (Mackey 2005, 28).¹⁹⁹

Tensions

The COF targeted *malum prohibitum* like prostitution, noncompliance with regulations laid out in the State Tenement House Act of 1901, and sale of alcoholic beverages after hours. After prostitution was formally outlawed at the national level around the time of the passage of the Mann Act of 1910²⁰⁰, a slew of other related legislative efforts emerged aimed at criminalizing and controlling immoral behaviors. In

¹⁹⁸ John D. Rockefeller, Jr., the COF’s most important backer beginning in 1911, served as chairman of the special grand jury on “white slavery” in Manhattan and funded a national effort to combat white slavery in 1913. See *New York Times*, January 13, 1913, 1. John D. Rockefeller, Jr. The white slavery scare reached its height in the period between 1910 and 1913. See Addams 1911a; Addams 1911b; Keire 2001.

¹⁹⁹ Nativism particularly accelerated following the Black Tom affair of July 30, 1916, an act of sabotage executed by German dissidents targeting a US Army munitions depot in New York Harbor. Jewish and Italian anarchists also repeatedly threatened and even attempted to assassinate high profile New Yorkers, including John D. Rockefeller, Jr., J. P. Morgan, and Police Commissioner Richard Enright, providing plausible pretext for America’s first “Red Scare,” the so-called Palmer Raids in which J. Edgar Hoover cut his teeth, and the systemic deportation of radicals during 1919–1920. See Anbinder 2016, 446–461.

²⁰⁰ As Keire points out, “anti-vice reformers shifted their emphasis from people to places” after the Mann Act failed to abate commercial sexual vice, reasoning that if they could not stem the supply of women via the Act, they might instead “close down the district ‘marketplaces’ with the red-light abatement acts.” Keire 2001, 17–18.

one sense this was a positive development for the COF, since the growing list of activities explicitly forbidden by law expanded in ways that directly legitimized its members' views.

Ironically, though, to the extent its work contributed to *de facto* Jim Crow segregation in the city's leisure establishments, the COF effectively limited its own capacity to examine and discipline Black-owned businesses. Out of necessity, Black proprietors grew steadily more cautious made their establishments more private and secure against infiltration. This process did not unfold all at once. On March 18, 1916, for instance, experienced white COF investigator Daniel Oppenheim was denied service in back rooms by half of the COF proprietors whose establishments he visited (Robertson 2009, 502). By 1920, however, the COF's white investigators were finding it much harder to even gain entry to Black-owned establishments: only in 1927, when it "supplemented its staff with an African American investigator, [Raymond] Claymes, was it able to gather evidence about black prostitution" (Robertson 2009, 487).²⁰¹ The higher level of segregation achieved in the city's leisure spaces by 1919 left the COF increasingly unable to penetrate, examine, and therefore regulate behavior within Black entertainment spaces.²⁰²

²⁰¹ In the COF's eyes, "No white investigator" working in Harlem could "produce results one-third as effective as an honest and competent Negro." Memorandum on Harlem investigators, File: "Harlem, Report on Conditions," Box 82, C14.

²⁰² Indeed, the racial and ethnic identity of paid detectives was a crucial component of any urban vice investigation. This can be seen for instance in a report on "the social" produced under the auspices of the Kaiulani Home for Girls in Honolulu. The report's authors noted that it would have been "practically useless" to bring in trained investigators from the mainland to conduct the investigation due to the "large Asiatic

Bans on alcohol of the kind envisioned by temperance advocates would limit the COF's effectiveness, bringing its meticulously maintained associational networks—which pivoted on the capacity to broker the flow of alcohol—crashing down like a house of cards.²⁰³ Legislative efforts to criminalize and prohibit behaviors sometimes paradoxically tended to neutralize, not reinforce its capacity to surveil and control how commercialized businesses were run.

Besides the effects of these two processes, the reasons for the COF's diminishing influence during the latter half of the 1920s were several. A leadership vacuum emerged following the sudden death of its longtime executive secretary, Frederick Whitin, in July 1926.²⁰⁴ Where Whitin was able to “articulate the social importance and the ripple effects

population” (an umbrella category encompassing people of Japanese, Chinese, Korean, and “Polynesian” descent) residing on O‘ahu. As a result, investigations had to be conducted personally by the organization’s members instead of by paid detectives, which in turn made it “impossible to secure all the data that lies hidden in our civic life.” Honolulu Social Survey 1914, 3–4.

²⁰³ As the COF's Chairman, Percy S. Straus, put it in the group's annual report for 1918–1919, management of Excise licenses offered a “great instrument” of social control: “the granting of liquor licenses provided the police with a means of control, directly as well as through the Excise Department and the Courts, of most places of public resort.” Committee of Fourteen 1920, 14.

²⁰⁴ “Frederick H. Whitin, 54, General Secretary of the COF... died of heart disease at 6 o'clock last night while walking in Madison Avenue, near Forty-fifth Street.... Patrolman John McCarthy of the East Fifty-first Street Station reached Mr. Whitin a moment after he collapsed and summoned an ambulance from Bellevue Hospital, but Mr. Whitin died before the arrival of medical aid.... Mr. Whitin was born and educated in this city. As a young man he entered finance. He was a crusader against vice from his youth and became Secretary of the COF in 1908... serving the last fifteen years as secretary. He was active in every movement to drive commercialized vice from the city, frequently coming into conflict with city officials.” “F. H. Whitin Dies While in Street,” *New York Times*, July 20, 1926, <https://nyti.ms/3xp9FWm>.

of the purity reform to committee members and others,” his replacement, George Worthington, was less effective, and the group’s laborious efforts to push through various penal reforms stalled out (Mackey 2005, 201).

A series of damaging corruption scandals having to do with its flawed custodianship of the Women’s Court also contributed to the COF’s decline. In November 1930, Olive Stott Gabriel, president of the National Association of Women Lawyers and former chairman of the Employment Committee of the Mayor’s Committee of Women on National Defense, argued that the COF was comprised of “laymen” incapable of grasping the “problems presented by perjured witnesses, legal and illegal frame-ups, and the understandings between the stool pigeons, vice officers, prehensile lawyers and cash-and-carry bondsmen,” condemning its “predatory grasp over the courts.”²⁰⁵ The COF watched closely the proceedings at the Court, even shaping the atmosphere of the court and define

²⁰⁵ Clipping from the *Evening Graphic* by R.O. Torr, “Says Committee of 14’s Predatory Grip on Judges’ Courts Must Be Torn Away,” November 28, 1930, File: “Attacks on the COF,” Box 82, C14. These concerns that the COF was engaged directly or indirectly (through negligence or ignorance) in frame-ups and false arrests of prostitutes reflected shifts in popular and legal discourses during the famously corrupt reign of Jimmy “Beau James” Walker. Walker, a Republican who was began his mayoral tenure in 1926 after winning a contentious election with much support from Tammany Hall, was forced to resign in disgrace after an investigative committee called the Seabury Commission found he had repeatedly accepted bribes when awarding lucrative municipal contracts. Among the witnesses who testified at the Seabury Commission was a woman named Vivian Gordon, who claimed that, under Walker’s administration, police officers regularly supplemented their wages by arresting women on trumped-up charges of prostitution. Soon after testifying, Gordon was murdered by strangulation in Van Cortlandt Park. The shocking event, covered closely by the press, “demonstrated to New Yorkers that political corruption has a human face, and can take a very human toll.” Terry Golway, “The Making of F.D.R., 1932: A Rollicking New York Tale,” *Observer* (New York), January 10, 2000, <https://observer.com/2000/01/the-making-of-fdr-1932-a-rollicking-new-york-tale/>.

proper protocols at a granular level.²⁰⁶ Then, in March 1931, former head of the New York City policewomen's association, Mary E. Hamilton, denounced the COF's undercover methods as "churlish and ineffective," portraying it as a shadowy, unaccountable cabal with outsized power that was "running the city" through its manipulation of the police force. Hamilton charged that the COF incentivized the city's vice squad to arrest innocent girls for a bounty of \$25 per girl, hired "photographers, motion picture men and others to observe people at gatherings and report likely cases to the police," and manipulated the city's justice system at both ends by "dictat[ing] the disposal of the cases" to the court; one of the COF's members even "sat in court and nodded his head for the conviction or dismissal of the women as they were brought into court."²⁰⁷

A glance at the group's private correspondence reveals that many of its more conservative contemporaries took issue with its insouciant stance toward established notions of legal jurisprudence. For instance, Paul L. Blakely, an associate editor of the

²⁰⁶ For instance, the COF once complained to Judge McAdoo that the attitude of the policemen loitering in the room where women booked for prostitution were fingerprinted was "one of levity, and familiarity," which failed to "impress the women with the seriousness of the offence [sic] with which they are charged." Chairman to Hon. Wm. McAdoo, January 13, 1912, "General Correspondence, 1912, January," Box 1, C14. Interestingly, the COF were early advocates of fingerprinting in law enforcement as a means to reliably identify repeat offenders. Thousands of fingerprint identification cards fill Boxes 78 and 79 of the group's archival holdings. Fingerprint registration systems gave rise to the conceptual possibility of indefinitely detaining prostitute "types" in special penal colonies devoted to persons whose "cumulative" record of offenses related to "chastity" categorized them as harmful to society. Woods 1913, 814.

²⁰⁷ News clipping, Isabelle Keating "Would Abolish '14' Committee and Vice Squad," *Daily Eagle* (New York), March 26, 1931, File: "Attacks on the COF," Box 82, C14.

New York-based Catholic weekly, *America*, wrote to Whitin to take issue with the group's unorthodox process of securing evidence:

The instance recorded on page 44, *Report for 1918*, seems to me particularly censurable. The case is that of a woman investigator who when accosted on the street assumes the character of a prostitute. She rejects the offered fee of \$5.00 and apparently bargains for a higher rate. After creating the impression that she could not go with the men, because of an immediate engagement to commit prostitution, she agrees to meet him a few nights later for the same purpose.

It would seem, then, (1) that the investigator lied, and (2) that she agreed to the commission of an immoral act. I find it quite impossible to approve a method which involves lying and an offer to commit prostitution. Nor does the defense that otherwise conviction cannot be secured seem valid. It is equivalent to the position that if the intention be good, it is allowable to do what is bad. This is simply the principle that the end justifies the means and that principle is subversive of all morality.²⁰⁸

Whitin's lengthy response to Blakely's protestations contains a revealing passage in which his stance on established legal norms is laid bare:

Does it not come down finally to the question of how much evil shall be tolerated which cannot be suppressed, except as measures which are morally questionable are used? The fundamental difficulty is the Anglo-Saxon principle that no one shall be found guilty until proved beyond reasonable doubt, and the holding of the courts that they will not convict except upon conclusive evidence.²⁰⁹

Blakely's critique hinged ultimately on the hopelessly hypocritical nature of the method of fighting immorality via undercover investigation. This critique had been raised more than a decade earlier by the radical feminist agitator Emma Goldman against the famous anti-vice crusader and pioneering undercover agent Anthony Comstock. Goldman

²⁰⁸ Paul L. Blakely to Frederick H. Whitin, February 27, 1923, File: "A (general)," Box 9, C14.

²⁰⁹ Frederick H. Whitin to Paul L. Blakely, March 1, 1923, p. 2, File: "A (general)," Box 9, C14.

confronted Comstock before a packed audience at the Labor Temple. She asked him, “Do you believe it honest for you to assume, in your investigations, the fictitious name of Max Jensen?” The intended impact of this rhetorical question was to highlight how Comstock’s purity work was achieved through impure means, though Comstock dismissed it as a technical problem, saying he was “not too stupid as to write to a publisher and say I am a Post Office Inspector and will you please forward to me any obscene books you may be sending out?” These words were met with much applause and shouts of approval from the audience. Undeterred, Goldman asked sarcastically how it could be possible that Comstock had been able to keep his moral character intact after forty years of inspecting obscene literature, to which he responded, “A man can remain pure... if he keeps his will under subjection, and obeys the laws of God and morality.”²¹⁰ Comstock’s responses to Goldman’s provocations, though they may have harmonized with the common sense of many of the tender souls present in the room, also helps clarify two of the intertwined and inescapable problems faced by the use of undercover methods by New York’s Progressive anti-prostitution reformers: the integrity of the information produced covertly was wholly reliant on that of the agents involved, but, at the same time, these agents were necessarily participated in a variety of activities which, according to Progressive reformers’ own logics, could lead to the decay of character and reputation of anyone so exposed.

²¹⁰ “Comstock Heckled at Labor Temple,” *New York Times*, November 2, 1910, <https://nyti.ms/3CNVU4r>,

Whitin, who once wrote that the protection offered by “certain constitutional rights” constituted one of the main “obstacles to a further repression of prostitution” limiting the effectiveness of the COF’s work, expanded on this critique of standards of evidence collection further in his written reflections on the Ninth Annual International Prison Congress, which he attended in London while traveling throughout Europe in 1925 (Committee of Fourteen 1926, xxv).

In these remarks, Whitin articulated a general skepticism as to the utility of rehabilitation, rather than crime prevention and deterrence, as the primary goal of police activity. Noting that calls for lessened sentences and even “a suspension of judgment of conviction” in certain special cases were met with enthusiastic applause by the audience, Whitin quipped, “the Congress consisted of friends of prisoners and strong advocates of the belief that the greatest gain to the community, results from the rehabilitation of the convicted offender, and that his endeavor, far exceeds the advantage of the deterrent effect of prison sentences.” He then lamented the fact that advocates of such policies insisted on their right-headedness despite being unable to point to any conclusive evidence to support their view. Finally, he turned to the matter of evidence and court procedures:

Those interested in the restoration and rehabilitation of the prisoners rightly comment that the police, prosecutors and judges know little of the horrors and subsequent effect of prison detention, while the latter reply that the rehabilitationists know little of the difficulties of securing evidence and convictions.... Might it not be a partial solution of the conflict to relax the present strict rules of admissibility of evidence in criminal cases? These originated in the days when death was the penalty for all serious crimes, day when the light of publicity on court proceedings was not of the first magnitude. Surely, in these days, a unanimous verdict should not be required of the Petit Jury except in homicide cases – the defendant should be compelled to submit to cross-

examination, and all facts which might tend to fix the responsibility for the alleged crime should be admissible in evidence. Might not 'probable guilt' be added also to the findings possible for the jury, and this be interpreted as a report of maladjustment by the defendant to social conditions, such a finding to require supervision by a probation officer or a reformatory detention and parole? In considering such changes of procedure, one must bear in mind the very wide differences between nations and states in their agencies to effect such rehabilitation. Where there are sufficient of these agencies, adequately staffed, this suggestion might well be seriously considered, but when these agencies are few and with poorly paid staffs, they must be increased and materially improved before the change is made.²¹¹

It was, in Whitin's view, the court's standards of evidence in cases of moral illegality which forced "the police or detectives be participants in sin and crime" if they wanted to "secure the evidence necessary for effective conviction."²¹² For Whitin, the ends (securing convictions of prostitutes) justified the means (covert surveillance), but only because offenders basically had to be caught in the act if a conviction was to be had. Lower evidentiary standards, coupled with well-funded police and reformatory systems and new categories like "probable guilt," could render such covert methods unnecessary in cases of prostitution.

A report from relatively early in the COF's career (written ca. 1909–1910) sheds further light on the group's markedly unorthodox views of jurisprudence. The report both lays out the mechanics of the COF's cooperation with New York's big brewers in simple

²¹¹ Frederick H. Whitin, "Law Enforcement and Rehabilitation: Some Observations Upon the Ninth Annual Prison Congress," no date [ca. 1925], File: "Whitin's European Trip," Box 82, C14.

²¹² Frederick H. Whitin, comment on the report of the Vice Commission of Chicago, 1911, "The Omitted Chapter," File: "Chicago Vice Commission, Chicago Health Commission," Box 10, C14. See Whitin 1911.

terms and expands on the members' views regarding how "notorious resorts" should be dealt with by the law:

With a traffic judicially determined to be dangerous and in need of regulation, might not the Latin rules of justice [supersede] the Anglo-Saxon? Under these latter the guilty continually escape, that the innocent may not suffer unjustly. Should not licenses terminate upon the complaint of the Excise Department, and only be re-issued with the approval of the Supreme Court Judge? The burden of proof would then be upon the men and the place, to prove that they had been conducted fit and properly, not as now that they have been unfit and immoral.²¹³

The use of the expression "a traffic judicially determined to be dangerous" belies a crucial point about the COF's perspective: Whittin and other influential members believed that prostitution and keeping of a disorderly house should be treated as separate, exceptional kinds of offense—offenses against the general moral and physical welfare of society—and that therefore the protocols used to convict and punish those places which profited from the sex trade should be dealt with more harshly by authorities. Since prostitution was an especially pernicious crime, and since the scale and intensity of the commercial sex industry had been allowed to escalate unchecked for so long in New York, the most expedient solution was to invert the usual rules: suspects could be considered guilty before proven innocent, and the burden of proof was placed on the accused instead of lying with the prosecution.

Causality and Contagion

Why is it that crime in America is wholly out of proportion to crime in other civilized countries? ... Why are we the greatest consumers of habit-forming drugs? Why are our insanity records appalling and getting worse? Of course we cannot ascribe all these disgraceful conditions to any single cause, but one cause

²¹³ Report on "The Brewers' Responsibility in New York State," no date, File: "Brewers, 1909-1910," Box 10, C14.

that is among the most fundamental we have scarcely considered at all. We have never regarded leisure as the microbe-bed from which these diseases come naturally and almost inevitably.

—George W. Alger 1925, 489

Mental contagion is strikingly similar to physical contagion and fully as dangerous...

—Rabbi Dr. Bernard Drachman 1934, 254²¹⁴

The COF's protocols of assessment and discipline, and those of its institutional partners, operated on and contributed to frameworks for thinking about causality derived from prominent strains of Progressive social thought. These included eugenics, the penal reform movement, mainstream sociology and anthropology, economics, and racial uplift and/or respectability politics, among many others. A degree of puritanical concern with the dangers of impropriety, idleness, and vice was also critical. But the most important ideas motivating the COF's notions of causality and liability were the emergent discourses associated with "social hygiene," which brought medicalized, pathologizing, and pathogenic rhetoric to bear on issues of prostitution, venereal disease, "white slavery," "miscegenation," extramarital intimacy, sexual "attitude," and forms of drug and alcohol consumption perceived as immoral and/or socially harmful.

Like other preventive social hygiene societies of the time, the COF believed that individuals—or at least *most* individuals²¹⁵—were ultimately not to blame for vice and

²¹⁴ The specific "mental contagion" to which Drachman (elected to the COF in 1913) is referring here is the rising popularity of Nazism and prevalence of fascist propaganda in America. The passage captures the way COF members and other Progressives understood many different conditions, attitudes, behaviors, and political phenomena—from fascism to general moral declension to specific forms of sexual impropriety—through frameworks of "contagion" grounded in theories of causation imported from "natural sciences," such as epidemiology, physics, and biology.

disorder.²¹⁶ It knew that ward politicians, corrupt business interests, and police captains were directly responsible for organizing much of the city's vice and therefore could not be relied upon, and it strove to devise valid vigilante techniques for accounting for moral liability and distributing punishments in ways that would both prevent disorder and root out corrupt dealings. In the words of George Haven Putnam (1932, 352),

The members of the police and the authorities back of the police were gaining so much money by the sale of the privilege of breaking the law that they had a very direct business interest, on the one hand, against having the law modified and its penalties made less strenuous, and on the other hand, against any consistent enforcement of its provisions.²¹⁷

Places which refused to run in an orderly way should be made to bear responsibility, it thought, for the failure to actively maintain and protect the moral "character" of the population—particularly the white European working-class immigrant portions of it, whom the COF believed had to be shielded from exposure to commercialized sex, intemperance, race mixing, and other dangerous forms of

²¹⁵ "By emphasizing economic relationships over individual agency, Progressives exonerated prostitutes by shifting the blame for urban vice from prostitutes to the profiteers who exploited them. Using the economic practices within the brothel to represent metonymically the problems that the red-light districts nurtured, white slavery writers offered a commercial critique that underscored the systemic corruption supporting urban prostitution.... [T]hey wanted to de-commercialize vice by closing tolerated red-light districts." Keire 2001, 12.

²¹⁶ "For Whittier and the reformers, the law must protect respectable people from...moral assaults from the dangerous classes." While the COF's "arguments about removing sex discrimination were sincere, a deeper, hidden agenda lay buried in the amendment: the protection of the middle- and upper-class and disciplining of the lower, characterless social orders. They sought a moral world of reformers' law and lower-class order." Mackey 2005, 139.

²¹⁷ George Haven Putnam was a founding member of the Committee of Fifteen, an important predecessor to the COF formed in 1905.

immorality believed to cause disorder and lawlessness (Robertson 2009, 487, 500). Even though the brewers did not “directly appear as the holders of licenses,” the COF took into account that they nevertheless effectively controlled most of the city’s drinking establishments via credit, chattel mortgages on fixtures, and other such mechanisms, and resolved to “[hold] them responsible for the evil conditions” its investigations exposed in such places (Peters 1918, 363).²¹⁸

The specific protocols and rituals of examination used by the COF’s investigators were developed over time and closely controlled by the organization’s leadership (Fronc 2009, 64–65). When another reform group’s investigations produced conflicting conclusions about a business or individual, the COF trusted its own investigators (Fronc 2006, 19–20). This was in part because its investigators were not experienced detectives of the kind deployed by other reform groups like the New York Vigilance Committee of the National Association for the Advancement of Colored People. They were instead amateurs without formal training. Importantly, they were instructed by Whitin, and by others among the COF’s leadership with personal undercover experience, not only to *observe* disorderly conditions, but to actively try to *produce* them, a tactic which sprung from the logic that if a disorderly arrangement was *possible* in a given establishment, then the place should be labeled “bad” and blacklisted (Fronc 2006, 121).

As Gary T. Marx (1988, 30, 130) points out, when investigation “becomes instigation,” that is, when tactics based in trickery cross over to the realm of coercion,

²¹⁸ See also “For Sunday Opening,” *New York Tribune*, March 26, 1909, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1909-03-26/ed-1/seq-4/>.

their legal and moral basis becomes inexorably fraught. Is the monitored individual or business engaging in illicit behavior because they are inherently disposed to such activities, or is the behavior an effect of the investigator's own enticement? For the COF the notion that investigators were corrupting the people they interacted with was generally beneath all serious consideration. What mattered was rather a confluence of factors related to the perceived identity of the targets: did they appear to be trustworthy? Were they intentionally and persistently courting vice, or were they merely ignorant or careless in a temporary way? Could they be convinced to curb the unwanted behaviors, or did they appear unrepentantly committed to crime? Were they a "professional prostitute" or did they just appear to be "game" while actually "playing the sucker gag," as David Oppenheim once put it?²¹⁹

Implicit within this modality of invisible surveillance were particular notions of causality, liability, and contagion: if an investigator could act in a disorderly way in a given establishment without being reprimanded or denied service, then the proprietor was held liable not just for that act but also for the possibility of *future* transgressions, and the place was now considered a node through which disorder and venereal disease might flow into and constrain the development of otherwise respectable segments of the white working-class population.²²⁰ The COF believed that badly run establishments should be

²¹⁹ Report of David Oppenheim on Orange Grove DeDanse, March 28, 1919, File: "1919 #3," Box 34, C14.

²²⁰ As Keire explains, the red-light abatement laws which swept across American metropolises at the turn of the twentieth century offered reformers a number of procedural perquisites when compared with traditional anti-prostitution laws: "The primary advantage of equity adjudication was that lawyers started civil proceedings to stop the

held responsible for the spread of dangerous vice and immorality. It was in these places that “charity girls” and otherwise innocent individuals were transformed into hardened prostitutes and professional criminals. Consider, for instance, the conclusions noted by COF investigator Daniel Ogden in his March 1917 report on the Tiger Social Club at 2926 8th Avenue & 155th Street: “In my opinion this is one of the worst places in existence today, it’s not exactly a commercialized vice affair but it’s worse than that, it’s a place where a lot of young toughs meet girls that are not professional prostitutes and ply them with liquor...I think more prostitutes [are] manufactured here than in any other place in the city.”²²¹

misuse of property in the future, not just punish criminal acts in the past. In practice this distinction meant that prosecutors did not need to prove to the judge whether property owners knew how their tenants had use their property. Indeed, landlords had to show their good faith to the court by immediately evicting their tenants and by filing a substantial monetary bond to guarantee their good behavior. If the owners and their agents did not respond quickly enough to the initial injunction, the state would oust the current tenants, auction off the furniture and fixtures, padlock the property for up to a year, and permanently prohibit its use as a brothel or saloon. To prevent corrupt politicians from obviating the red-light abatement laws, state legislators empowered private citizens, as well as public servants, to start injunction and abatement proceedings. These legal threats were potent.” The laws aimed at the breaking up of red-light districts were in fact “a new, economic iteration of older criminal laws. With the injunction and abatement acts, anti-vice reformers sought to recast disorderly house keeping as a civil offense. During the early ‘teens, white slavery writers argued that the fines judges imposed on brothel keepers served as a virtual licensing system. Since police raids did not permanently close the houses, and madams apparently budgeted for fines in much the same way that legal businesses anticipated quarterly tax payments, urban Progressives contended that criminal law was insufficient for eradicating the business of vice. Moreover, anti-vice reformers maintained, the revenue from police raids had become such an integral part of municipal budgets that criminal proceedings were, in fact, perpetuating the system of tolerated vice.” Keire 2001, 19. See also Johnson 1915.

²²¹ Report of David Oppenheim on Manhattan Casino, Tiger Social Club, 2926 Eighth Ave, 155 St., March 19, 1917, File: “10,” Box 32, C14.

Like the late eighteenth century French military ports discussed by Foucault (1995, 144) in *Discipline and Punish*, the unregulated commercial leisure establishment was, in the COF's view, "a place of...contagion: a crossroads for dangerous mixtures, a meeting-place for forbidden circulations." The COF intervened through three interconnected modes of activity: routinized examinations which rendered social relations visible; adjudication of the social standing of individuals based on the forensic profiles produced out of these examinations; and coercive procedures designed to pressure, punish, or condition access to capital—procedures enacted through meticulously maintained networks of governance spread across institutions of the state and civil society. The COF's political interventions were oriented towards cultivating the vital characteristics of the population of the future. It sought not just to enforce laws but rather to prevent crime and disorder from corrupting those parts of the population it believed could live respectably if properly defended from contamination.

When National Prohibition arrived, the COF no longer had any extralegal leverage, since the "linchpin" of its economic pressure and blackmail operations was the saloon keepers' liquor license, control over which allowed it to regulate the flow of alcohol and credit and to thereby police access to capital and regulate targeted commercial and social behaviors (Keire 1997, 576; Fronc 2006; see Gallas 2022, 98–99). Though by 1925 it was still possible to discover sex workers plying their trade in secretive nightclubs and speakeasies, apprehending and convicting them now required

“considerable time and money,” neither of which the police had in adequate supply (Committee of Fourteen 1926, 4).²²²

The COF went into gradual decline during the 1920s, though it retained most of its most important backers. It kept on only one full-time investigator, Harry Kahan, for the majority of the 1920s (Robertson 2009, 487). Its oversight over the Women’s Court (now held in the daytime) continued, though, and its investigation work remained significant. For example, its explosive 1926 Harlem investigations woke the city’s police officials up to a vast of the commercial sexual landscape within the largely ignored emergent private spaces of Black amusement culture, and the investigator who did this work, Raymond Claymes, subsequently cultivated the first Black police detectives. Together these actions effectively ushered in a new era of policing Black leisure spaces, one that pushed authorities to police Black sexuality in ways that went well beyond the well-trodden practice of scooping up large numbers of Black sex workers who, lacking resources, worked the streets (Robertson 2009). Nevertheless, the “anti-vice movement stagnated after demobilization” (Keire 2010, 113). By 1931, the COF was “a mere shell of its former self unable to raise money and to influence New York City’s social purity, social hygiene, and political environment” (Mackey 2005, 200).

²²² The COF also complained that prohibition drove up the price of its undercover anti-vice work, since “information which formerly could be secured from a casual acquaintance at small expense” could “be got now only by spending considerable cash.” “Cost of Suppressing Vice Has Increased,” *New York Herald*, March 28, 1921, <https://chroniclingamerica.loc.gov/lccn/sn83045774/1921-03-28/ed-1/seq-4/>. See also “Says Volstead Act Bars Vice Reform,” *New York Times*, January 29, 1922, <https://nyti.ms/3xJopBC>.

The COF's work of cultivating the population of the future was no longer viable. It quietly disbanded in 1932, bathed in scandal owing to its proximity to the Seabury investigation, which revealed that New York's magistrate courts were facilitating a system of frame-ups, bribes, and corrupt bail bondsmen.²²³ For nearly three decades it had worked to shape social relations in New York's commercialized drinking spaces. But ultimately, its lasting legacy was that it paved the way for surveillance-based government organizations like the newly emergent Federal Bureau of Investigation, which took up similar methods to obtain politically useful information (Fronc 2009, Epilogue).

Ironically, the behaviors and identities targeted as dangerous contaminants by the COF are today rendered visible by historians working with the forensic records it produced. It is logical that this should be the case: the group's archive, housed in the New York Public Library's Manuscripts and Archives Division, is overflowing with detailed forensic accountings of the very kinds of identities, activities, and spaces into which today's social historians are keen to inquire, and about which precious few written records exist. In *Gay New York*, for instance, Chauncey (1994, 367) notes that "the most useful records" he consulted were produced by the COF's investigators: they "regularly encountered gay men (and only rarely met women they thought were lesbians)," and their reports contain "exceptionally rich evidence about the haunts of gay men, gay streets culture, and the social conventions that governed gay men's interactions with other men

²²³ "Committee of 14 Quits Fight on Vice," *New York Times*, November 25, 1932, <https://nyti.ms/3l3vANx>. On the Seabury investigation, see Charles Merz, "The Seabury Inquiry: The Evidence Reviewed," *New York Times* December 20, 1931, <https://nyti.ms/3rgWxkN>.

and the reactions of the investigators to them.” The COF’s forensic profiles have also been taken up in studies of a range of social phenomena considered dangerous and immoral by the COF, including immigrant sexuality and courting practices (Clement 2006; Mumford 1997; Peiss 1986; Gallas 2022), the rise of the nightclub and 1920s nightlife (Peretti 2007), and urban “slumming” practices (Heap 2009).

To summarize, the Committee of Fourteen, founded in 1905 and disbanded early in 1932, was New York’s most influential and powerful private law enforcement organization. Like nearly all other civic reform societies which took shape in America’s cities around the turn of the century, the COF’s central goal was to develop effective techniques to combat prostitution, which its members saw as the most visible and dangerous form of disorder around which all other forms of moral and social decay revolved. To do this, the COF cultivated institutional relationships with business interests, local and national governmental agencies, and other private reform organizations. It deployed undercover investigators to the city’s drinking and entertainment establishments to collect information it utilized to police, through either legal or extralegal methods, those places found to be directly or indirectly profiting from vice; to root out forms of police and municipal corruption; to alter behaviors in drinking establishments in such a way as to minimize commercial sex; and to generally drive the industry of prostitution underground and out of sight. It was the COF’s belief that the city’s unregulated spheres of commercial drinking and entertainment establishments were largely responsible for vice. Seeing existing police and court systems as ineffective at intervening in the business of commercial sexual vice, the COF worked to produce new

systems of policing which could effectively assess the character of proprietors, threaten profitability and, when deemed appropriate, drive offending businesses to bankruptcy.

CHAPTER FIVE: VALUING SURVEILLANCE

We have seen how the Committee of Fourteen, believing the existing practices and institutions of the city's police systems to be ineffective at preventing vice and thereby protecting society against the dangers of social disorder, cultivated relationships with vested corporate interests, constructed mechanisms for enforcing and redefining legal and moral controls on profit-seeking activities of various sorts, and employed undercover inspectors to collect information and, often, to stir up disorder under the premise that a place in which disorder was immanently *possible* was just as bad as one openly inviting vice. It surveilled forms of profit-making, laboring, exchanging, and rent seeking its members believed to be immoral and intervened where possible to prevent these activities. It inspected commodity, money, labor, and credit flows in order to reshape social relations according to its determination of the collective interest, and to raise the cost of crimes it believed to be particularly damaging to the general welfare. This included "solicitation" and exploitation or encouragement of public "promiscuity" for profit, but also profiting from the sale of alcohol to both Black and white customers and to uniformed soldiers and sailors, and many other forms of sales and services judged disreputable. It also included the practices of landlords and creditors of various kinds extracting rents from lending of production, services, housing, money, or retail space to

businesses and individuals the COF suspected or accused of disorderly forms of money-making.

This chapter explores how the COF worked to surveil and regulate economic activities related to both the production and exchange of commodities and services. The chapter begins with a brief introduction to the relevant Marxian categories used in the chapter.

The methodology draws attention to how the COF watched over and worked to limit the movements of capital, to restrict profit-making in certain industries to a circumscribed field of respectable conduct. These police activities, as I have argued, were done with an eye towards the Progressive goal of protecting the collective interest of bourgeois society with regard to social reproduction. They sought therefore to buttress the industrial family, stabilize gender and “race” relations, protect white ethnic and Anglo-Saxon working women from forms of exploitation that threatened the welfare of the “mothers of the race,” and to otherwise ensure the smooth reproduction of labor-power and of the capital-labor relation at the level of the industrial urban population. Though the conceptual categories used in this analysis operate at a certain level of abstraction that cannot attend to everything, they do open up new, productive ways of understanding the COF’s motives, practices, and aspirations. They place the COF’s work within the context of an industrial capitalist political economy defined by capitalist modes of production and exchange whose “driving motive and determining purpose” is “the self-valorization of capital to the greatest possible extent, i.e., the greatest possible

production of surplus-value, hence the greatest possible exploitation of labour-power by the capitalist” (Marx 1976, 449).

Two Circuits

Different interpretations of Marx’s value theory exist. The version I present here is informed by Michael Heinrich’s approach, and upon my own close reading of the three volumes of *Capital*. I agree with Heinrich that Marx’s value theory is a *social* theory, one useful for understanding certain aspects of capitalist economy and society, rather than as a set of laws to be mechanically “applied” in the assessment towards the goal of measuring the “real” value of commodities.

Taking up a Marxian framework is useful in this case because it draws attention right away to how the COF’s surveillance work aspired to place limits on capital’s movements—and, by extension, on the activities of employers, workers, and consumers of various kinds—because doing so created opportunities to manage working-class social relations: fighting prostitution, managing “race relations,” and defending traditional American family values and sexual norms against foreign backwardness and corruption of “commercial vice” —that is, immorality organized as industry.

When seen in the light of value theory, we notice right away why the COF’s surveillance was directed at various sorts of economic transactions: its members and allies believed they could drastically diminish what they believed to be the artificially inflated levels of demand and supply for the sex trade. By halting certain transactions through legal or extralegal means, they found they could effectively reshape the social relations and environmental conditions within leisure establishments, as well as the

sexual, gender, and race relations of the individuals in these spaces. Moreover, by squeezing the profits of small shopkeepers in high-rent areas, the COF believed it could drive down the number of independent drinking and entertainment establishments, which they hoped in turn would minimize chances for prostitution to operate in these places and simplify the work of regulating the city's leisure sphere, since empowered governmental and civilian authorities would have fewer places to watch over.²²⁴ It aimed to determine *who may serve what to whom*, as best it could, to protect the capital-labor relation by safeguarding processes of social reproduction according to available scientific and social theories of causality and contagion. What sorts of customers could be permitted to buy which commodities and services during what hours, and under what circumstances, if a proprietor did not want to find itself on the blacklist? What kinds of business transactions

²²⁴ The COF's work no doubt contributed to larger trends in redevelopment which reshaped New York's "red-light districts" over the first few decades of the twentieth century. Though reformers took much of the public credit for the disappearances of these segregated vice areas, many other factors led to the decline of the old systems of openly run brothel prostitution which previously dominated. "New uses of real estate," as Gilfoyle explains, "were considerably more influential" on underworld conditions than were the efforts of these reformers, as "twentieth-century office buildings replaced many of the nineteenth-century dens of prostitution" in areas like the Tenderloin, where "changing land uses... pushed out prostitution as a primary source of profit for midtown real estate interests." Other factors included the decline of the hyper-masculine "sporting" culture, changing norms around sexuality, courting, and marriage, the demographic impacts of the federal Immigration Acts of the 1920s, which "significantly cut the number of transient men and women in New York City," and rising wages and better working conditions for many women, especially white women, who had access to new, better paid white-collar jobs. Increasingly effective governmental and police intervention in breaking up old-fashioned brothel-style prostitution enterprises also played an important role. Interestingly, Gilfoyle also notes that the decline of the old system of prostitution led certain vested interests with a stake in that industry to turn to other means of making a buck. By 1910, sensing a change in the wind, "numerous police officials working with elements of the underground economy had started replacing prostitution with gambling as a source of income." Gilfoyle 1992, 308–310.

were reputable and credit-worthy, and what sorts brought would land a place on the COF's bad side?

By highlighting how the COF worked to intervene by threatening profits, this approach also draws explicit attention to how the struggles over prostitution was a terrain of class struggle. This struggle was unfolding all the time, not just between workers and employers, but also between different individual capitalists and agglomerated industrial interests like that represented by the Brewers' Board of Trade. By working to define, surveil, and police activities it believed allowed or even caused prostitution and other vice industries to flourish, the COF worked now for, now against many different competing commercial, industrial, and rentier interests involved directly or indirectly in the many spaces surveilled by its disorder-seeking investigators. The COF's efforts were most effective when its leaders had success in managing relationships with powerful corporate and institutional partners, but its determinations were often met with resistance and was perpetually engaged in negotiations on multiple fronts with the groups, individuals, governmental authorities, and companies with whom it cooperated.

Though the COF pushed for a number of legal reforms over its career, attempts to curb vice through the law sometimes backfired dramatically. Proprietors and workers inevitably thwarted reformers' plans by developing new ways of making money in response to the new legal arrangements, even as they cultivated new techniques for avoiding detection. The crackdown on red-light districts and the targeted policing of the old-fashioned parlor houses which unfolded during the first two decades of the twentieth century probably had little direct effect on the total mass of prostitution in the city, but it

did scatter sex workers out of their containment within the former system and into the broader geography of nightlife culture, into the streets, nightclubs, hotel saloons, dance halls, excursion boats, private apartments, buffet flats, and amusement parks where the mass of the city's residents and visitors sought cheap amusement and social and sexual opportunities. As a result, many became increasingly reliant on the services of pimps and other *male* middlemen (as opposed to the madam-centric parlor system), and those working the streets instead of the brothel were in many cases more exposed to violence at the hands of customers, intermediaries, and police officers than before, even as some of those better-off among them were able to convert the new technologies of transportation and communication to augment their profits in the subsequent years.

The Circuit of Industrial Capital

Let us begin by defining the circuit of industrial capital. By “industrial,” we don’t mean to imply the sphere is defined by any concrete determinations typically associated with “industrial” activities. The term industrial capital “is not intended to underscore the *material* character of this capital (such as the use of large production facilities) but is a distinctive feature from the perspective of *value*” (Heinrich 2012, 134). Simply put, industrial capital is “the only mode of existence of capital in which not only the appropriation of surplus-value or surplus product, but also its creation, is a function of capital” (Marx 1978, 135). Value in this framework is defined as *socially necessary labor-time*. But what is meant by *socially necessary*? Social requirements vary depending on historical circumstances, including the different social, cultural, technological, environmental, mental, and institutional arrangements existing in various places and

times. These relations form the legal, moral, and traditional scaffolding upon which calculations of value—including values of persons, labor practices, services, and commodities—are constructed. Value is not a thing but a form of motion with social attributes (Harvey 2020). It is a kind of social objectivity. While is not created through the exchange of money, but it equally does not exist without such an exchange.²²⁵

The industrial capital circuit comprises two forms of motion, corresponding to two forms of productive consumption of labor-power and means of production. The first comprises modes of productive consumption whereby the mixing together of living labor-power with means of production in a process of productive consumption results in the creation of a commodity with an independent material existence. The basis of this form of production is the creation of commodities whose value is greater than the total value of the variable capital (capital invested in wages) spent in production plus the constant capital transferred by workers to the finished product.

In the second mode of industrial production, that of production of services, the consumption of living labor-power and means of production does not result in the creation of a commodity with an independent form of material existence. In this case, the product “can only be consumed simultaneously with its process of production.”²²⁶ This

²²⁵ “Capital cannot therefore arise from circulation, and it is equally impossible for it to arise apart from circulation. It must have its origin both in circulation and not in circulation.” Marx 1976, 268.

²²⁶ Marx provides some insights on this point in volume 2 of *Capital*: “There are ... branches of industry in which the product of the production process is not a new objective product.” Marx 1978, 134. Industrial capital, Marx argues, “requires production to be capitalist in character; its existence includes that of the class antagonism between capitalists and wage-labourers. To the degree that it takes hold of production, the

second mode of industrial capital comprises a number of sectors which were of concern to the COF's investigators, from medical services to transportation and communication, retail, performance, and sex work.²²⁷ In each of these areas of services sectors, labor-power is potentially consumed productively (i.e. value and surplus-value is produced and appropriated by the capitalist who organizes and oversees the production process), even as the product is by necessity consumed by the buyer *during* the act of its production. Sex workers, theater performers, waiters, bellhops, cabbies, bartenders, security guards, and musicians are just some of the types of workers surveilled by the COF whose work often can rightly be classified as "productive" in this second sense.

What determines whether a given service industry is productive or unproductive?

Marx (1976, 1044) explains:

[F]or *labour to be designated productive*, qualities are required which are utterly unconnected with the *specific content* of the labour, with its particular utility or the use-value in which it is objectified.... A singer who sings like a bird is an

technique and social organization of the labour process are revolutionized, and the economic-historical type of society along with this.... Money capital and commodity capital, in so far as they appear and function as bearers of their own peculiar branches of business alongside industrial capital, are now only modes of existence of the various functional forms that industrial capital constantly assumes and discards within the circulation sphere, forms which have been rendered independent and one-sidedly extended through the social division of labour." Marx 1978, 136.

²²⁷ Transportation, like retail, is for Marx a sphere of industrial capital: "[W]hat the transport industry sells is the actual change of place itself. The useful effect produced is inseparably connected with the transport process, i.e., the production process specific to the transport industry.... The useful effect can only be consumed during the production process; it does not exist as a thing of use distinct from this purpose, a thing which functions as an article of a commerce and circulates as a commodity only after its production.... In respect of its consumption... this useful effect behaves just like other commodities.... [I]t is the production process itself, and not a product separable from it, that is paid for and consumed." Marx 1978, 135.

unproductive worker. If she sells her song for money, she is to that extent a wage-labourer or merchant. But if the same singer is engaged by an entrepreneur who makes her sing to make money, then she becomes a productive worker, since she *produces* capital directly.

Two consequences follow from this framing of the “production” boundary. First, the category of productive labor is a fluid one which given certain social and institutional conditions could include a range of labor practices that are not immediately apparent as productive labor practices, from burlesque performance to sex work to transportation services. Second, the same concrete labor activity can function as unproductive or unproductive labor, depending on the social, contractual, juridical, and monetary conditions in which it is embedded.

Commercial Capital and Interest-Bearing Capital

If by industrial capital Marx means “capital that passes through the three forms of money capital, productive capital, and commodity capital” (Heinrich 2012, 134), then how should we think about merchant’s capital? Further, what is the relationship between industrial and merchant’s capital?

Merchant’s (or trading) capital, says Marx (1981, 417), “is divided into two forms or subspecies, commercial capital and money-dealing capital.” Whereas industrial capital is the mode of existence of capital in which the production of surplus-value is a function of capital, by contrast, interest-bearing capital and commercial capital, insofar “as they appear and function as bearers of their own peculiar branches of business alongside industrial capital,” are converted into mere “modes of existence of the various functional forms that industrial capital constantly assumes and discards within the circulation sphere” (Marx 1978, 135–136). As Heinrich (2012, 135) clarifies, in its distilled form,

stripped of the various productive activities associated with it like retailing, transportation, storage, and communication, merchant's capital "is only involved in the purchase and sale of commodities," and "the laborers employed by merchant capital perform unproductive labor that does not yield any surplus value."²²⁸

The first of these two aspects of merchant's capital, commercial capital, is "nothing more than capital functioning within the circulation sphere" (Marx 1981, 392). Merchant capital is a motion of capital which is, in essence, "buying in order to sell, or, more accurately, buying in order to sell dealer" (Marx 1976, 256), and as such it "creates neither value nor surplus-value, but simply facilitates their realization, and with this also the actual exchange of the commodities, their transfer from one hand to another, society's metabolic process" (Marx 1981, 395).²²⁹

²²⁸ "[T]he metamorphoses $C-M$ and $M-C$ are business transactions between buyer and seller; they need time to come to terms, the more so in so far as a struggle is involved here, in which each side seeks to get the better of the other.... The change of state costs time and labour-power, not to create value, but rather to bring about the conversion of value from one form into the other.... This labour – which is a necessary moment of the capitalist production process in its totality – behaves somewhat like the 'work of combustion' involved in setting light to a material that is used to produce heat. This work does not itself produce any heat, although it is a necessary moment of the combustion process." Marx 1978, 207–8.

²²⁹ "The circulation process is one phase in the reproduction process as a whole. But in the process of circulation, no value is produced, and thus also no surplus-value. The same value simply undergoes a change in form... Commercial capital thus creates no value neither surplus-value, at least not directly. In so far as it contributes towards shortening the circulation time, it can indirectly help the industrial capitalist to increase the surplus-value he produces." Marx 1981, 392. Thus, although commercial capital does not *directly* produce value or surplus value, by cutting down on circulation time and thereby diminishing the *time of devaluation*, commercial capital acts as a decisive factor in *value-determination*, though only indirectly: "while circulation does not itself produce a moment of *value-determination*, for that lies exclusively in labour, its speed does

For Marx (1981, 419), “commercial capital is never anything more than the movement of industrial capital within the circulation sphere.”²³⁰

While commercial capital’s semi-independent existence apart from industrial capital presents certain advantages to the industrial capitalist, it can also present certain difficulties which in practice mean that what happens in the sphere of circulation can and does tend to react back on the functioning of the circuit of industrial capital. Indeed, while they are in a sense autonomous, the relation between the industrial capitalist and the merchant capitalist is for Marx one of inner dependency, such that the unproductive labor in the sphere of exchange is inextricably tied to the productive labor exploited in production:

The industrial capitalist saves on monetary expenditures for...unproductive labor (the actual costs of circulation) and also cuts the circulation time for his own capital by selling to merchants instead of consumers. He sells the commodities produced by his own capital *under* their value to the merchant, who then sells them at their value. In this way, the industrial capitalist shares the surplus value produced by his capital with the merchant capitalist (Heinrich 2012, 135).

Commercial capital involves *commercial labor*.²³¹ Unlike industrial labor, which produces new value and surplus value, commercial labor is that form of *unproductive*

determine the speed with which the production process is repeated, values are created—thus, if not *values*, at least to a certain extent the mass of values.” Marx 1973, 538.

²³⁰ Commercial capital, “with an office instead of a workshop, functions continuously in the circulation process,” and never leaves the circulation sphere, making it “the form in which a part of the industrial capital functioning in the circulation process has become autonomous.” Marx 1981, 412–413.

²³¹ “The commercial worker does not produce surplus-value directly.... What he brings in is a function not of any direct creation of surplus-value but of his assistance in reducing the cost of realizing surplus-value, in so far as he performs labour (part of it unpaid).” Marx 1981, 414.

labor which is socially necessary to secure the metamorphoses of commodities into money, and money into commodities:

[C]ommercial labour is the labour that is always necessary for a capital to function as commercial capital, for it to mediate the transformation of commodities into money and money into commodities. It is labour that realizes values but does not create any. And only in so far as a capital performs these functions—i.e., in so far as a capitalist performs these operations and this labour with his capital—does this capital function as commercial capital and take part in settling the general rate of profit, by drawing its dividends from the total profit (Marx 1981, 411–412).

Interest-bearing (or money-dealing) capital, on the other hand, is when an owner of money “parts with it to somebody else, puts it into circulation, makes it into a commodity *as capital*” (Marx 1981, 464). In this form of motion of capital, the typical circulation process M–C–M’ “presents itself in abridged form, in its final result and without any intermediate stage, in a concise style, so to speak, as M–M’, i.e., money which is worth more money, value which is greater than itself” (Marx 1976, 257).²³²

Talking It Through...

To flesh out the analytical distinction between merchant’s capital and industrial capital a bit more fully (while at the same time demonstrating why Marx’s categories are useful in the present analysis of private anti-vice policing in the Progressive Era), allow me to talk it through briefly using an example at the core of this dissertation. In turn-of-

²³² “What is new in capitalism is that a large number of loans serve the *enrichment of debtors*: they borrow money *to use it as capital*. This form of credit, which only existed as an exception in pre-bourgeois societies, is the typical form of credit for capitalist enterprises, and dominates all other forms.... Modern interest-bearing capital...is thus *advanced twice*: once by its owner to the industrial capitalist, and then by the industrial capitalist to finance a profit-yielding production process. There follows a *double return*: first to the industrial capitalist, and then from the industrial capitalist to the lender.” Heinrich 2012, 156.

the-century New York, big regional brewing interests were formally distinct from the saloons, dance halls, and rathskellers to whom they offloaded their commodities wholesale. Even as many of these retail spaces where the activities of buying and selling to direct consumers were in effect vertically integrated into the structures of these large industrial interests, meaning the formal separation between producers and retailers was arguably illusory—for a saloon integrated this way was often not only bonded by debt to a particular beer manufacturer, who typically owned a significant stake in the saloon in addition to owning its fixtures, but was also compelled to sell no other commodities than those produced by that same brewery—, it nevertheless was the case that this separation existed and had both positive and negative implications for both spheres.

For brewers who had a stake in particular saloons, debt burdened proprietors were not only typically contractually obligated to sell only their product. They also had to make regular fixed payments to the brewers, regardless of fluctuating market conditions. This situation incentivized saloon keepers and other proprietors to seek out additional revenue through the incorporation of illegal and disreputable forms of labor exploitation and commerce into their standard business operation. In the rush to generate profits great enough to make these payments, proprietors allowed prostitutes in their establishments to attract customers, directly or indirectly exploited the labor of said prostitutes, admitted and served disreputable individuals, sold liquor to uniformed soldiers, and so on. This in turn meant the proprietors had to make regular protection payoffs to local ward heelers and cops and to pay fines associated with this criminality, and this was a cost of doing business which the brewers themselves of course never bore directly. From the brewers'

point of view, all of these activities could be treated as externalities which had little to do with them. Further, the more immediate problem faced by proprietors regarding how to move product to final consumers was no concern of the brewers once their goods were delivered to the former, and thus brewers had no reason to cultivate expertise in this area.²³³

In practice the brewers were well shielded from direct liability for activities carried out by retailers, and their formal separation from hotel-saloons (except in cases where they owned the places) allowed them to virtue signal their support for moral reform while continuing to profit from competitive practices that invariably resulted in the conditions reformers were concerned about. Yet for all these perquisites it afforded the brewers, the autonomy enjoyed by proprietors of drinking establishments also left them less capable of managing conditions in these spaces once public opinion began to sour against the alcohol business. In the rush to compete with each other, and to cover the

²³³ Some major breweries operating in New York owned saloons, including brewers who were headquartered elsewhere and enjoyed national distribution (refrigerated train cars, first developed in the 1860s, increasingly allowed for the transportation of beer across long distances—a far cry from conditions prevalent in the mid nineteenth century, when Manhattan’s brewers used techniques like harvesting blocks of ice from the Hudson River and tunneling deep into the earth to preserve their products). For instance, Pabst Brewing Company, based in Milwaukee, had an office at 606 West 49th Street and a rathskeller on 14th St., simply called Pabst’s. This place ran into trouble with the authorities in 1918 for selling liquor to men in uniform, a contravention of the recently amended Liquor Tax Law. Following a series of arrests at the place, Frederick Whitin wrote the company’s New York office to “heartily recommend that there be a change of proprietors in the place,” explaining that alcohol sales to uniformed men were now to be considered “a violation which endangers the license and the bond,” and adding that the COF intended to mark such places as disorderly on its protest list in the near future and would bring forth actions against such places as deemed appropriate. Frederick H. Whitin to Pabst Brewing Company, June 18, 1918, File: “New York City 1918,” Box 23, C14.

higher operating costs associated with running a hotel, Raines Law hotel proprietors permitted illegal activities within their places in order to maximize sales and remain competitive.

Value theory helps clarify at a certain level of abstraction why one set of economic agents seeks out neutral or apparently neutral administrative mechanisms for controlling and limiting the actions of other agents.²³⁴ While the bourgeois state typically plays this role of neutral arbiter, government qua government by no means holds a monopoly on this position. Well-funded, influential civil society entities with political connections also typically get involved in the negotiations over what amounts to the shared, collective interest of the ruling class. This interest is not knowable outside of the sites and practices of contestation associated with the state and civil society. When the state is perceived by one set of empowered citizens or business interests to unfairly favor one set of capitals over another in a way that is potentially harmful to their interests, these citizens or interests may call on civil society entities with supra-legal capacities to arbitrate neutrally in its stead via mechanisms of governance which are not determined from the outside by the practices and logics of the state.

Perceiving that the Excise Department was run with revenue maximization as its only goal, and sensing that widespread police corruption, juridical obstacles, municipal

²³⁴ Indeed, Marx's value theory did not confine itself to the narrow question of discovering the principle undergirding the quantitative exchange relations between commodities, which was the assumed goal of value theory for classical, neoclassical, and "marginalist" theorists. In *Marxism Versus Socialism*, for instance, Vladimir Simkhovitch insisted that "the sole *raison d'être* of a theory of value is to explain to us the relations and proportions of exchange." Simkhovitch 1913, 268, 270.

mismanagement, an over reliance on ineffective system of fines and fees, and other failures of the state qua state were collectively failing to rein in certain undesirable conditions resulting from open, unregulated competition in the city's commercial leisure sphere, the Brewers' Board of Trade supported the COF's efforts precisely because the COF's work offered credibly neutral and at least apparently scientifically robust, verifiable methods by which these conditions could be assessed and halted. Without the COF's neutrality and pretense to objectivity, the Brewers' Board of Trade would have been constantly harried by claims of bias, claims which could not be levied at the COF's members since the COF categorically rejected bribes and offers of funding from individual brewing companies. While the goal of any individual brewer was to maximize profits, the goal of the Brewers' Board of Trade was to ensure the long-term profitability of their industry. The COF's argument, translated into value theory terms, was that the Excise Commissioner's policies, while lucrative for state revenue, were disastrous when considered from the perspective of the goal of long-run accumulation, since they left open the door for individual capitals to pursue increasingly immoral and disreputable business practices (Peters 1908; Peters 1918, 348–350; Keire 1997).

Though in the immediate sense these practices among retail proprietors were good for individual wholesalers, since they meant that their products were being moved at a faster rate and in greater masses, the rising threat of prohibitionist sentiment revealed the existential danger that such practices posed to the future of the alcohol industry as a whole. The temptation to exploit the absence of effective legal and moral enforcement mechanisms would be too great for individual capitals in competition to resist, which in

turn would continue to lead to conditions which were all but certain to fan the flames of abolitionism. Hence the Brewers' Board of Trade recognized that its collective interest in long-term profits could only be defended if the most egregious profit-making practices of these individual capitals could be effectively disciplined. It decided that individual retailers had to be policed effectively, even if that meant hurting the immediate profits of some or even most of its members. The Brewers' Board of Trade found in the COF a useful mechanism for achieving this goal, even as it recognized that the COF's goals only happened to overlap with its own in certain limited ways. Indeed, from the COF's perspective, control over wholesale alcohol sales offered one potent tool among many with which to drive prostitution and other economic activities it perceived as socially destructive from the city's commercial drinking and entertainment sphere.

The COF was in this sense, from the perspective of the brewers at least, a kind of neutral agent for repairing the beer industry's reputation while at the same time quelling mounting concerns over the deleterious impacts of "badly run" saloons and dance halls on the moral, social, and economic welfare of the city's working-class families. Of course, the situation was more complex than this, in that saloon owners responsible for selling beer directly to final consumers in many cases themselves acted as industrial capitalists employing a mixture of productive and unproductive workers.²³⁵

²³⁵ As this example illustrates, distinctions between industrial and commercial capital are conceptual, not concrete: "in reality, it may very well be the case that a particular capital combines the function of transportation" —which in fact "constitutes a sphere of industrial capital" —and the function of sale, meaning a portion of capital is industrial capital and therefore creates value and surplus value, whereas another portion is merchant capital that produces neither value nor surplus value." Heinrich 2012, 233.

The many relations between brewers, surety companies, landlords, the revenue-seeking Excise Department, and the saloonkeepers and small-scale proprietors belie the complexity of the city's political economic landscape in the Progressive Era. Peiss (1986, 35–36) offers a vivid description:

In the late nineteenth century, New York's economic landscape was crowded with flourishing commercial enterprises, a thriving port, manufacturing lofts, and workshops. New York achieved prominence early in the century as the leading mercantile city in the United States, ensuring its primacy in commerce, shipping, and finance by dominating the Atlantic trade and developing transportation links to the hinterlands.... Manufacturing was spurred by commercial trade, with merchant capitalists developing products such as ready-made clothing for the national market. Other types of businesses were developed to answer the clamor for goods and services arising from the city's burgeoning population. Unlike many American cities, where the age of industry was characterized by huge, mechanized factories, [New York City's] high rental costs, cheap immigrant labor supply, and lack of a good energy source led to a myriad of small, highly specialized shops.

Faced with this situation, the COF chose not to limit itself to surveilling and intervening in one area of the city's commercial landscape, but instead worked to develop methods to surveil and discipline economic behaviors of various kinds. It intervened not just at the point of retail alcohol sales but also worked with the Brewers' Board of Trade to discipline individual wholesale distributors. It sought to stop places from profiting from performances and entertainment activities it perceived as immoral. It watched over places to ensure dancing was supervised and that couples were not permitted to change partners. It contacted tenement house owners and other rentiers who entered into contracts willingly or otherwise with individual renters or businesses determined by the police or the COF's investigators to be engaged in forms of profit-making believed to be

illegitimate and/or harmful to the general moral welfare.²³⁶ It pressured individual brewers to refuse to offer credit to typically debt-bound proprietors when they refused to

²³⁶ Sometimes property owners reacted with open hostility when the COF accused them of allowing improper management techniques or demanded they change their practices to make their buildings less disposed to commercial vice. Peters (1918, 369) admitted that it was “by no means easy” to secure the support and cooperation of real estate owners and agents, though by 1918, said Peters, it had succeeded to a certain extent in making “real estate more conscious of its responsibility and more liable before the law.” This was partly because the practice of absentee landlordism made distribution of responsibility difficult, and partly because unlike the brewers and surety companies the real estate industry had no significant trade associations with which to build cross-firm support. The first case in which the COF cooperated to result in a prison sentence for a real estate agent came only in 1913, with the conviction of Ernest Tribelhorn, “a business man of standing and president of the United States Realty Company,” who was found guilty of “maintaining disorderly flats” in an apartment building at 230 West 50th Street after the COF tipped off the police to conditions in the building. See “Real Estate Agent Convicted in Disorderly Case” 1913, 341. When the resident of 325 West 78th St., Augusta Mann, was arrested on May 20, 1923 on charges of running a disorderly house, the COF wrote to the building’s owners, the Mervyn Realty Company, urging them to take an active hand in ensuring the place was run properly, beginning by seeking new management. The president of the company happened to be the notorious upper west side real estate mogul, William Earl Dodge Stokes. Stokes had been heir to a large fortune and moved to New York in 1881, where he soon set about directing the design and construction of the Ansonia, a huge residence located on where the old New York Orphan Asylum once stood on 73rd and Broadway. The building’s completion in 1904 aided the general growth of interest in development of Broadway which gained pace in the subsequent decades. Steven Gaines, “The Building of the Upper West Side.” *New York Magazine*, May 6, 2005, <https://nymag.com/nymetro/realestate/features/1871/>. In his response to the COF’s protest letter, Stokes pointed out that the woman in charge of management of the place had a clean record and appeared to be of impeccable character and explained that his company followed appropriate steps to ensure that its properties were run in a proper way: “The tenant is Mrs. Buckley. She secured her lease through Slawson & Hobbs, 162 W. 72nd St., agents, who looked into her recommendations and reported to us that they and she were A-1.... We have seen Mrs. Buckley, and she seems to be a highly respectable woman, and claims this disgraceful occurrence was through no fault of hers, and she informs us that her subtenant Augusta Mann was a complete surprise to her, and she will rent now to only [Knights of Columbus] Or Y. M. C. A. men. Now, if you can give us any information, that will indicate that Mrs. Buckley is not what she has been represented to us to be, we will put her out of the house at once.... Slawson & Hobbs have taken this matter up with Mrs. Buckley, and they advise us it was an accident Mrs. Buckley was not responsible for.” W. E. D. Stokes to the Committee of

bend to the COF's demands. While the COF was supportive in general of women working respectable waged jobs, provided these jobs were not so well paid as to drive the "normal" ideas about marriage and family from their heads,²³⁷ it was firmly against the right of any woman to earn any kind of remuneration (be it in the form of money or in-kind payments) from forms of work it deemed to be so disreputable or socially degenerate. In the COF's reckoning these forms of work were not legitimate or productive. It held this view for two main reasons. It did not view sex work as work, but rather as a form of male exploitation and violence that was primarily a mechanism for the spreading of disease and moral decay. And it looked on any opportunity for women to

Fourteen, June 7, 1923, File: "Tenement House Department Complaints - 60th-81st," Box 23, C14.

²³⁷ In 1913 the COF dispatched three undercover female investigators to assess conditions the Macy's department store in Midtown Manhattan. This action, which was done with approval of the management of R. H. Macy and Company (recall that Percy S. Straus, president of Macy's, was elected a member of the COF in 1915), followed the appearance of a number of salacious accounts in the press that department stores—businesses in which women's work was particularly important—across the city were being run in a reckless way and staffed by immoral women. John P. Peters noted in his report on the investigation that the women working at the store were so overworked that they were too exhausted to go out on the town after a shift. While many of "the girls" used obscenities in their speech—a "kind of speech" which, in the COF's eyes, "may, in a certain manner, be compared with the conditions which express themselves in obscene talk in Chaucer and Shakespeare—primitive and vulgar"—and while some "seemed, from their talk and the like, to be inclined to be fast," there was in fact "very little evidence of any actual immorality." This it attributed to the "manifest intention of the management to deal harshly and severely with all such things exercised," which in the investigators' view "exercised a controlling effect." Indeed, the investigators found that the girls' "attitude toward men is much the same as average girls of better station," that they "were very careful of their reputation and appearance," and "in general lived at home or with relatives, very few boarding or lodging by themselves"—a good sign from the COF's view. Ultimately, their "general attitude toward men and sex relations was normal." John P. Peters, "Department Store Investigation: Report of the Sub-Committee," September 1914, Box 39, C14, p. 9-10. See Riegel 1968, 450.

achieve self-advancement and independence from reliance on men as encroachments upon the sacred male dominance upon which the heterosexual family form was based.

Because the COF took a holistic approach to the economics of commercial sexual vice, it perceived that not only pimps and cadets extracted profits from the efforts of prostitutes. While it is true that the COF viewed pimps and cadets ultimately the most direct producers of commercial sexual vice, since it believed that these predatory individuals played an essential role in the production and reproduction of the supply of and demand for prostitution,²³⁸ . A whole range of individuals involved in various sorts of economic activities tied to the city's commercial landscape were in its eyes just as guilty of profiting from the sex trade. It recognized that an enterprise did not have to actively seek out profits from vice in order to earn them, and that it was therefore not sufficient for authorities to punish just places which knowingly catered to commercial sexual vice: new mechanisms had to be established for holding businesses and individual capitalists accountable for what they *did not do*—that is, for their failures to actively observe the moral character and specific illegal or immoral practices clandestinely engaged by those

²³⁸ Like the Committee of Fifteen before it, the COF understood the typical cadet or pimp as a kind of psycho-social identity category, associated with a pattern of behavior resulting from social pathologies. The cadet was believed to be a young man who, having been a member of a street gang, had both developed a “taste for good clothes and idleness” and “fail[ed] to choose a definite remunerative occupation.” Baldwin, Kellor, and Simkhovitch 1910, 62. In the words of the famous vice investigator, George Kneeland, who worked for the COF early on and for many other reform societies throughout the early decades of the twentieth century, the chief “reason for the army of ‘cadets,’ political guerrillas, exploiters and scoundrels who live on the earnings of... unfortunate women who are led to think the life easy” was simple: the tremendous profitability of commercial sexual vice. Kneeland 1912, 128.

individual clients, customers, and debtors with whom they entered into contractual relations of one kind or another.

Another benefit of looking at the COF's work through the lens of value theory is that it clarifies that surveillance is not just a tool used by individual capitalists to discipline and train workers, thereby cutting down on workplace thefts and inefficiencies which threaten profits. It is also a means for sufficiently developed bourgeois state apparatuses to discipline individual capitals in order to preserve capital accumulation in the long run, and to protect the interests of the capitalist class conceptualized as a whole. By surveilling various sorts of economic transactions and covertly collecting information about how businesses operated, the COF could watch over and intervene in working-class social relations, manage "race relations," spar against certain vested interests associated with commercial sexual vice, coerce businesses into operating according to principles of social hygiene while refusing profits from vice, and enforce norms of moral and social respectability. At least since the days of Leonard Horner and the English Factory Acts, regular surveillance carried out by empowered private citizens and public officials has been a primary means through which reform-minded activists and enlightened members of the "ruling classes" empowered by and within the bourgeois state have sought to study capital's movements and to place moral and legal barriers on these movements. It may well be a mark of a well-developed industrial capitalist society that it has present within it certain nominally neutral elements of the bourgeoisie willing to stand up to the perceived excesses and moral overreach of one or more segments of the capitalist class. The political and moral reasons why these barriers are presented as necessary or desirable

vary considerably, even as the techniques of social control and law enforcement used by inspectors are comparable.

The reasons why John D. Rockefeller, Jr. and other wealthy donors funded the COF's surveillance and policing activities were completely distinct from those which motivated the New York Brewers' Association and other powerful corporate entities with a direct vested interest in the city's commercial drinking and entertainment industries to cooperate with its moral and legal schemes of behavioral control. Social scientists, settlement house activists, and good-government reformers in localities across the nation benefited from the knowledge of the underworld economics and insights into social relations gleaned from the COF's investigations. Certain elements of New York's Black bourgeoisie saw in the COF a potential way to advance a politics of racial respectability, even as most African Americans had too much racial solidarity to willingly be a pawn in the COF's police agenda (Robertson 2009, 488). The War Department, the United States Sanitary Corps, and other groups concerned with moral and sanitary conditions at military camps during the US involvement in the 1914 war saw in the COF an unmatched quantity of civilian expertise they could use to their advantage in their efforts to combat the danger of keep soldiers, sailors, and the civilian population alike "Fit to Fight" by stopping the spread of venereal disease—particularly by ensuring uniformed servicemen were not served alcohol, and that no brothels were allowed to operate near the camps.²³⁹

²³⁹ To get a sense of the extent of the COF's work surveying conditions, see the following report by Captain Pfeiffer of the Law Enforcement Division of the Commission on Parks and Training Camps, wherein Pfeiffer lays out the COF's recent cooperation with the men in his Division, who were tasked with investigating and cleaning up conditions obtaining near military camps: "I am writing to express to you the appreciation of this

When we explore the COF's surveillance work through the lens of value theory, our attention is drawn immediately to the worker-centric nature of the group's work.

Sure, the COF hoped one day to be able to manage and punish the behaviors of consumers of commercial sexual services, and consumers other forbidden or restricted

office for the assistance which the COF has rendered us since the establishment of the district office of the Law Enforcement Division of the Commission in New York in May....During that time our records show that your Committee has investigated conditions with respect to prostitution and illegal liquor traffic in connection with men in the service, at our request, at the following places...May 20 Paterson and Hoboken, N.J... 7-21 Camp Mills, L.I... 24 Camp Mills, L.I... 28 East New York...28 Little Italy (Harlem)... 23 Bridgeport... 21-27 Camp Mills... June 7-10 Riverhead, L. I., Paterson, N.J... 14-16 Amityville, L.I... 1-15 Camp Mills, L.I... 19 Rockaway Beach... 18 Special N.Y. City... 24 Camp Upton—61/2 days... 22 Hempstead... 21 Special New York City... 27 Camp Mills and special New York City... July 4 Babylon and Bay Shore... 3 Rahway and New Brunswick, N.J... 3-8 Asbury Park...11 City Island... 13 Patchogue and Lynbrook, L.I... 28 East New York... 12 Bayonne... 20-23 New Brunswick... 30-31 Hempstead...Aug. 5 Special New York City... 7 Hempstead and Westbury... 15 Special New York City...19 Washington... 14 Philadelphia... 3-4 Patchogue...15 Patchogue... 20 Newark, N.J... 25 Englewood, N.J... 30 Long Beach, L.I...While this office has a staff of investigators of its own, their number is necessarily limited and without assistance we should have been unable to cover many of the great number of places in the vicinity of New York where soldiers have gone while on leave. In addition, one of the greatest advantages of your cooperation has been the 'checking up' of our own investigations. In investigation of conditions with respect to prostitution it is especially necessary that different sets of investigators be used to cover the same territory in order that the possibility of error may be reduced to a minimum. The integrity of individual investigators must also be constantly checked up through this means.... In New York City your assistance in obtaining court records of the disposition of cases in which prostitution and illegal liquor traffic in connection with soldiers and sailors are involved has been decidedly helpful, as has also the COF's great fund of information concerning the operation of the complicated Liquor Tax Law of New York and the means by which offenders operating under liquor tax certificates may be prevented either from conducting their illegal operations or from doing business at all... I hope very much that it will be possible for your Committee to obtain funds with which to continue your present cooperation with this office." Captain Timothy N. Pfeiffer to Francis Louis Slade, September 4, [1917?], File: "Pfeiffer, Timothy N.," Box 24, C14. The final sentence quoted above suggests this formal accounting of the COF's activities was probably submitted mainly for fundraising purposes.

commodities or services. Final consumption and the complex matter of who should be able to purchase and consume what sorts of services from what sorts of establishments are major themes punctuating the COF's investigation reports. But by and large the targets of surveillance were workers of various kinds, including not just sex workers, but also working proprietors, middle managers, performers, department store workers, barkeeps, service staff, bellhops, chauffeurs, cadets, procurers, madams, and many others. The COF's leadership contacted owners of businesses or properties when appropriate, but it was rare that its investigators came into direct contact with these entities. (An exception was owner-proprietors, whose work was surveilled directly; but we should keep in mind that these proprietors only sometimes held a controlling stake in their own saloons, and that the question of who owns a saloon was complicated by the city's steep rental costs and high license environment, and by the normalized systems of indebtedness which emerged from these conditions.)

Surveilling Capital

Around 10 pm on July 27, 1911, way up in Fort George near the northern tip of Manhattan, an intoxicated vaudevillian dressed in a "conspicuously low-necked dress at which people stared" flirted with a kind man she met minutes earlier in the kitchen of the Curve music hall.²⁴⁰ She offered to let him "'---- her on the floor' of the kitchen" if he

²⁴⁰ Fort George was home to a popular amusement park area called Paradise Park. According to Belle Lindner Israels, the area exemplified all that was wrong with amusements in New York: it was "filled with dancing pavilions, cheap music hall shows, penny arcades, moving picture places," and drinking establishments, "with the usual Ferris wheel and carousel accompaniments," and it was commonly said that "no decent girl" at night "unless she is unconscious of the danger." Israels 1909, 490.

purchased her a bottle of wine from the waiter, explaining that transactions like this helped keep her “good with the place.”²⁴¹

A woman attended a masquerade ball at the Harlem River Casino on the night of October 26, 1912. The affair was put on by a prominent men’s social club called the Bronx Boys. She sat in one of the balcony boxes, where she smoked cigarettes and “performed a real houchi kouchi with her companion.” On the floor below, dozens of couples danced in a way that “was perfectly unrestrained,” giving one observer “the impression of an orgy.”²⁴²

On November 1, 1917, a chauffeur named Harry Abrahams, whose machine was parked in front of the Regal Store on the Southeast corner of Broadway and 34th Street, told a friendly, inquisitive stranger how he sets up uniformed soldiers and other interested men with professional prostitutes in the area. For a small fee, explained the driver, he regularly takes couples arranged this way in his taxi “to a nice spot in the park and slows down his machine” so “they can go ahead and do what they want.”²⁴³

²⁴¹ Report of Mr. and Mrs. George A. Hastings, Fort George, July 27, 1911, File: “1910–12,” Box 28, C14. While some investigators were comfortable spelling out vulgar words in their reports, others censored conversations in which crude language with hyphens, asterisks, or ink blots. Sometimes, as in this case, the meaning remains wholly apparent.

²⁴² Report of Natalie D. Sonnichsen, Harlem River Casino, October 26, 1912, File: “Invest. Rep 1912,” Box 28, C14.

²⁴³ Report of David Oppenheim, taxi and street conditions at Broadway and 34th St., November 1, 1917, File: “New York City 1917,” Box 24, C14, p. 5. In an essay titled “A New Garb for an Ancient Profession,” the COF’s George E. Worthington argued that prostitution is “one of the most versatile of all vocations,” and tracked the structural changes in New York’s sexual economy after the Volstead Act’s arrival in mid-January, 1920: “Wherever possible it readily adjusts itself to changed conditions, sometimes in even more insidious forms than those under which it was previously found. During the

A few weeks later, on November 17, a force of prostitutes “too numerous to begin to count,” including some women over the age of forty who were “of the cheaper class” and “two high class colored women,” solicited openly among throngs of uniformed soldiers and sailors milling about Broadway near Times Square. On Broadway and 45th Street, a man yelled out at a woman, “Well for Christ’s sake get busy!” Heeding his words, she strolled away, and “before she left the block between 46th and 47th Streets on Seventh Avenue,” she picked up a client sped off in a taxi with the “customer” towards Sixth Avenue.²⁴⁴

era of prohibition, there have sprung in existence in the City of New York numerous so-called night clubs and speakeasies. Prostitution has been quick to take advantage of these new conditions by using such places as rendezvous and we again have the old and vicious connection of prostitution and alcohol, in perhaps an even more inviting form than previously. The night clubs and speakeasies which are identified with prostitution, may be classified in three general types. The most flagrant type, we have designated, for convenience, the Speakeasy House of Prostitution. This corresponds in some particulars to the old-time parlor house. There is a main room where customers gather and where they are introduced to prostitutes who are either residents, or sitters, and where drinks are served. In other parts of the building are bedrooms or other rooms for the consummation of the act of prostitution. A second type are places where prostitutes are employed under the guise of hostesses and where drinks are served, where the customers are invited away from the premises to consummate the act. The third type is where there are no prostitutes employed by the management but girls from the outside are permitted to come in and to solicit, their customers being taken elsewhere for the consummation of the act.” George E. Worthington, manuscript draft, no date, “A New Garb for an Ancient Profession,” File: “Articles by Worthington,” Box 83, C14. See also George E. Worthington, “The Night Clubs of New York,” File: “Articles by Worthington,” Box 83, C14. On the supposed decline of the “night club” at the end of the 1920s, see Gilbert Swan, “Broadway Night Life Changes Complexion,” *Evening Star* (Washington, DC), November 24, 1929, <https://chroniclingamerica.loc.gov/lccn/sn83045462/1929-11-24/ed-1/seq-94/>. For related commentary on chauffeurs’ and their automobiles’ various entanglements with organized and informal forms of sexual commerce in Honolulu, see Honolulu Social Survey 1914, 11–12.

²⁴⁴ Report of James A. Seaman, Times Square street conditions, November 17, 1917, File: “New York City 1917,” Box 24, C14.

Around 1:15 am on March 23, 1919, passengers aboard the Smith Street line—a group consisting mostly of “young toughs” and “charity girls about 19 to 20 years old” —were engaged in riotous behaviors of various kinds: they used vile language and drank whiskey directly from a small pink bottle. “At every lurch of the car, the men shoved the women in men’s laps” and “put their fingers up [their] behind and got them screaming.” Noticing this, the car’s good-humored conductor “purposely stopped the car abruptly every few minutes with a short stop,” affording the inebriated passengers aboard the jam-packed streetcar a chance to fall over one another.²⁴⁵

Sometime after six o’clock on the evening of Sunday, July 27, 1919, on a cramped, overcrowded dance floor fit for no more than five couples, tucked in next to the piano on the lower salon of the *Benjamin B. Odell* steamer, a group of hired musicians performed for thirty or so couples who danced wildly “as they pleased.” As they played, the musicians importuned the women in the unsupervised, raucous crowd to engage in a “shimmying contest” —to no avail.²⁴⁶

²⁴⁵ Report of David Oppenheim, Park Circle, Smith Street Car, March 22, 1919, File: “14,” Box 32, C14.

²⁴⁶ Report (no author, presumed David Oppenheim) of Steamer *Benj. B. Odell*, Central Hudson Line, July 27, 1919, File: “Steamboats,” Box 24, C14. For the COF’s stance towards “vice” aboard steamboats, especially with regard to “immoral” uses of staterooms on Hudson River excursion steamers, see Peters 1908, 96; Peters 1918, 384. COF member and amusement reformer Belle Linder Israels took particular interest in this issue; Israels 1909, 491–492, 496; Committee on Amusement Resources for Working Girls 1912, 8–9; “Dance Halls to Prove Vice Is Not Fun’s Real Comrade,” *New-York Tribune*, December 22, 1912, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1912-12-22/ed-1/seq-24/>.

Around three o'clock in the afternoon on January 3, 1920, inside a motion picture house called the Fifth Avenue Theatre, located on the Northwest corner of Fifth Avenue and 110th Street, young children ran amok, "whistling, jumping from one seat to another, insulting elder people and using vile language." Teenagers between twelve and fourteen years of age "[sat] in dark spots purposely, in order to have each other around."²⁴⁷

At around 10 pm on July 19, 1921, Dr. John B. Senesac, a distinguished alumnus of the Chicago College of Dental Surgery, stood in the bedroom of his upscale apartment at 65 Central Park West and passed an album of pornographic pictures around to two men, one of whom he had been actively trying to seduce all evening ("Alumni Notes" 1907, 230).²⁴⁸ He promised the other man, a quiet man he mistakenly believed to be a traveling salesman from Albany named Fred Conklin, that the images would make him sexually aroused.²⁴⁹

Each of the above anecdotes share a common element: they are among the thousands of such stories documented in the investigation reports of the COF. Lumped together this way, they speak to the breadth economic transactions and social relations surveilled by the COF's amateur undercover sleuths. Each of these narratives contains economic relations and transactions that were to interest to the COF itself.

²⁴⁷ Report of Harry Kahan, Fifth Avenue Theatre, January 3, 1920, File: "1," Box 33, C14.

²⁴⁸ Advertisements for Dr. Senesac's Seventh Avenue dental practice appeared in papers like the *New York Clipper*; see for example March 7, 1917.

²⁴⁹ Report of Harry Kahan on Dr. John B. Senesac, July 19, 1921, File: "1919 #4," Box 34, C14.

Some of these stories ended badly for the individuals involved. Dr. Senesac, for instance, was arrested immediately after the events mentioned above—one the men he showed his porn collection to was in fact a police officer, while the other man, whom he had attempted to seduce that evening, was Harry Kahan, a COF investigator. Though Dr. Senesac pleaded with the men to let him “settle” the matter then and there, presumably with a bribe of sorts, they told him that “he didn’t have enough money to pay” them off and brought him to the 68th Street station house, where he was charged for exhibiting pornographic pictures and attempted sodomy.²⁵⁰ Ultimately, Dr. Senesac must not have been convicted of any serious crimes, since he rented a new downtown office space for his practice the following February and went on to host a popular radio show in the 1930s.²⁵¹ I can think of two likely reasons why the more serious charge of attempted sodomy might have been dropped. First, Dr. Senesac was far from the typical working-class target of police action. He was a wealthy and well-connected man who may have enjoyed political protection. The second reason has to do with circumstance and timing. In the very same moment at which Dr. Senesac’s entrapment and arrest occurred, July 19–20, 1921, a massive scandal erupted in the American press that happened to precisely elevate the use of undercover tactics to police homosexuality to the level of a national

²⁵⁰ Report of Harry Kahan, July 19, 1921, File: “1919 #4,” Box 34, C14.

²⁵¹ “Business Leases Keep Renting Agents Busy,” *New York Herald*, February 25, 1922, <https://chroniclingamerica.loc.gov/lccn/sn83045774/1922-02-25/ed-1/seq-18/>; “New Tenants for Offices, Lofts and Stores Down Town,” *New York Tribune*, February 25, 1922, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1922-02-25/ed-1/seq-15/>; “Dental Vocalist for Series,” *Radio Daily*, October 8, 1937, <https://worldradiohistory.com/Archive-Radio-Daily/RD-1937/RA-1937-Oct.pdf>.

moral panic. The scandal, in which Assistant Secretary of the Navy, Franklin D. Roosevelt, and the head of the Navy, Josephus Daniels, were both directly implicated, pivoted on the deployment of young enlisted men as undercover detectives in Newport, Rhode Island to secure evidence of homosexual and “immoral” acts among the men stationed at the naval training facilities there (Chauncey 1985).²⁵² It seems possible in this context that the police believed the timing exactly wrong to prosecute a figure like Dr. Senesac on the basis of evidence obtained through undercover methods so similar to those now under such intense national scrutiny, but this conclusion is merely conjectural.

Still, the COF’s surveillance sometimes carried very real and apparent consequences for many of those targeted by it. In cases where drinking licenses were concerned, it was often the proprietor of the establishment who paid the price in the end for the disorderly activities witnessed in his or her establishment, in which case the consequences were distributed indirectly, not to the actual person committing the “disorderly” act (indeed, this would have often included the investigators themselves, who typically set about aggressively soliciting from the moment they entered a joint) but to the proprietor, whom the COF held responsible for the behaviors carried out in the place. Before Prohibition went into effect, the protest list was both the primary product of the COF’s surveillance work and the most powerful mechanism through which the group’s influence was felt.

²⁵² “Investigators Howl Frame-Up in Naval Quiz,” *Indiana Daily Times*, July 19, 1921, <https://chroniclingamerica.loc.gov/lccn/sn85047611/1921-07-19/ed-1/seq-2/>; “Lay Navy Scandal to F.D. Roosevelt,” *New York Times*, July 20, 1921, <https://nyti.ms/3ljIE2E>.

In many instances, the goal of surveillance was primarily to collect knowledge, and no actionable outcomes immediately followed from the investigations, even if disorderly conditions were discovered. This was generally the case, for instance, whenever investigators were tasked with studying general street conditions, or with investigating conditions in contexts where the COF had little influence. In some cases, such knowledge could be passed on to appropriate authorities with the power to potentially do something about the observed behaviors and commercial practices.

Again, the organizing logic of this analysis does not pivot on categories such as types of professionals, types of persons, or even types of businesses. Such categories are ultimately too rigid to be useful in tracing the inner movements of capital according to its two modes of existence, even if it is the case that some businesses and persons tend towards one sphere of circulation of capital than another. Sections are divided instead according to specific kinds of economic transactions, starting with industrial capital, then moving on to merchant's capital, with its two aspects of commercial capital and interest-bearing capital.

While the COF's own framing of the economics of prostitution and other "immoral" industries often included elements of truth, its general understanding was mystified to the extent that it relied on idealized (even naturalized) understandings of market forces and deployed the same sorts of moral panic etiologies as participants in the white slavery discourse when it came to the supposedly overdetermining roles played by foreign pimps and predatory gangsters in producing and maintaining the sex trade. The distinctions that mattered to the COF were based on its assumptions about Nature,

especially Human Nature, and it imagined social conflicts as complex struggles atop a simpler, eternal conflict between the forces of Good and Evil, even as it took up a long-term, incrementalist strategy of social and political reform.²⁵³ It did not speak much of value, and when it did it used that term only in the colloquial, “marginalist” sense of subjective value attributed to a commodity or service, as equivalent with price.²⁵⁴ It did

²⁵³ Marx’s articulation of value theory in *Capital* is a strong rejection of the notion that economics is a science that consists of a kind of psychology, whereas the COF took as its premise the neoclassical notion that economics was a science essentially of description of natural human market behaviors, one which could be converted into a kind of common-sense idiom through which social and political issues could be discussed intelligibly and scientifically. As Keire explains, “Progressive-era reformers turned to the language of economics, particularly the corrupting power of trusts and their control of society, to frame their attack on urban vice.... By situating the tale of the captive maiden within a broader critique of monopoly capitalism, anti-vice reformers adopted a language, and a legislative agenda, that resonated with other Progressive-era reforms. Economic allusions permeated anti-vice rhetoric, but three metaphors in particular anchored reformers’ representation of social relations in urban red-light districts. The first metaphor depicted the business of vice as a trust composed of allied interests. The second metaphor was that red-light districts were like marketplaces where the Vice Trust bought and sold prostitutes to fill district brothels. And finally, contemporary writers correlated white slavery with debt peonage. By shifting the rhetorical terrain away from sin and individual salvation and toward an economic analysis of social structures, Progressive-era anti-vice reformers appropriated laws governing commerce as a new set of legal referents and strategically employed the three interlocking metaphors as juridical analogies for constructing legislation and interpreting the laws that regulated vice.” Keire 2001, 5–6. On the “White Slavery Trust,” see for example Honolulu Social Survey 1914, 19. While the COF flirted with all three of the economic metaphors identified by Keire, it did not often emphasize the anti-monopolist angle. Its major funder was, after all, John D Rockefeller, Jr., whose family’s enterprise had been the target up in the nation’s first major trust-busting action in 1911. Incidentally, this event had ironically proved to be “the luckiest stroke of luck in [Senior’s] career”: he had been “extremely conservative in capitalizing Standard Oil and that the split-off companies were chock-full of hidden assets,” and was suddenly turned from a millionaire into “something just short of history’s first billionaire.” Chernow 1998, 556.

²⁵⁴ Already in the early 1900s it was popular for American economists of every stripe to equate Marx’s value theory with the substantialist “labor theory of value” advanced by the likes of Adam Smith, flattening the space between them in the process while negating

not concern itself with distinguishing the relationship between value-producing labor and commercial labor. Rather it sought to distinguish those economic activities—money/credit flows, waged labor practices, rent-seeking behaviors, acts buying and selling, etc.—that were bad, false, or disorderly from those which were respectable, authentic, legitimate, credible, and proper.

Surveilling the Circuit of Industrial Capital

This section considers types of productive activities surveilled and reported on by the COF's investigators. It is broken into four subsections: (1) prostitution; (2) performance; (3) transportation & communication; (4) medical services. For each of these I examine relevant examples of the forms of motion of industrial capital which appear in the reports of the COF's undercover investigators. The goal is to give a sense of the various moral and legal limits on capital's movements that the COF sought to impose in the course of its fight against the "social evil."

The COF's central focus throughout its career was on the task of rooting out and dismantling those institutions and business practices which, in its view, enabled prostitution to thrive as an industry in New York City. It used the expression "commercial sexual vice" to refer to the wide world of economic structures, circumstances, and practices that made sex work profitable and ubiquitous, by driving up

the significance of the former's fundamental criticisms of the latter. For instance, influential heterodox minimum wage advocate and Catholic priest John A. Ryan, citing the entirety of chapter 1 of Volume 1 of *Capital* as evidence, wrote in 1908 that, for Marx, value "is something *inherent in goods*, put there solely by the laborer," where in reality the "the simple and obvious truth of the matter" was "that the value, or price, of goods is determined, caused, regulated, by the quantitative relations between supply and demand." Emphasis added, Ryan 1908, 196–197.

supply of sex workers and demand for sex work and by shielding those involved in the trade from the costs associated with arrests, fines, and prosecutions.

The characteristic institution of commercial sexual vice at the time of the COF's formation was the brothel. A brothel was a business run by one or more pimps or madams where prostitution was the main product or service. The pimp or madam was responsible for acquiring and protecting workers (through force, debt bondage, or less coercive mechanisms), creating demand through advertising techniques, organizing the sex workers under their command so as to maximize revenue, paying off the necessary authorities with a portion of this revenue, and putting up bail for sex workers when arrests did occur. Raines Law hotels, the institutions that the COF was initially explicitly formed to combat, were essentially dance halls converted into brothels, making them even worse than brothels in the COF's eyes, since its members viewed alcohol as a mechanism that heightened the sex drive and made otherwise moral men lose their inhibitions and turn to prostitution.

Unlike traditional brothels, many of the Raines Law hotels that emerged after 1896 and, later, the dance halls and late-night cabarets of the 'teens, did not announce themselves as houses of prostitution, meaning there was the added danger, from the COF's perspective, that young men or women might accidentally find themselves in one of these places when looking for entertainment and be unexpectedly lured deeper down the path of vice. At the same time, these were not businesses *defined* by prostitution as brothels had been. They were rather places that tolerated prostitution as a means to both extract rents from these activities and sell more alcohol. The mere presence of prostitutes

in a place could of itself serve to drive up demand for business generally, even if a proprietor did not actively arrange to extract profits from the sex workers who utilized his or her establishment to ply their trade.

The anecdote at the start of this part of the chapter in which a pimp near Times Square was overheard calling for a sex worker under his employ to “get to work” points to the fact that sex work could be organized and exploited in such a way as to produce value for “employers” in many contexts outside of the brothel. Thus, the rapid decline of the traditional brothel or cat house in the early decades of the twentieth century did not by any means dispel entirely the existence of industrial sex work operations, even as they were scattered to new spaces and forced to operate under new conditions.²⁵⁵

²⁵⁵ As “brothel and hotel prostitution declined, many prostitutes operated the ‘team way,’ relying upon pimps, hotel bellboys, theater ushers, restaurant waiters, and taxi drivers to procure customers.” Gilfoyle 1992, 308. Mackey (2005, 40) elaborates: “With the end of parlor houses, prostitution became more and more of an individualized occupation. With the bawdy houses and the vice districts gone, women in prostitution lived scattered in the city in their own apartments and flats; the end of tacit acceptance meant that prostitutes went into business for themselves. In the old-fashioned parlor houses, the madam acted as business manager and entrepreneur, and the practicing prostitutes plied their trade and acted as a support group of sorts. But with the end of the madams and parlor houses, prostitutes became their own business managers or, probably worse, pimping increased as men stepped in to exert more control over the sex trades than before. This increase in control by men was not what the antiprostitution reformers intended, thereby demonstrating, once again, the old lesson that the unintended consequences of reform are often more important than the intended results.” Pimps served a particular function which made them ever more important as the criminalization of sex work advanced: they were not just for protecting women working for them while they were on the job, but also for keeping a hoard of cash that could be converted into a bail fund if and when they were arrested: “The ‘pimp’ or protector is generally selected by a woman after she has become a prostitute. She voluntarily gives him more or less of her earnings, and in return he uses all of the methods in his power, political, physical and financial, to protect her while she is soliciting on the street or when she is arrested and needs bail or fines paid.” Baldwin, Kellor, and Simkhovitch 1910, 60.

Sex workers brought in higher rates of profit for their employers depending on certain conditions like identity and location. By one account at least, homosexual men, or “fairies” as they were vernacularly known, fetched a higher price for sex when compared with their female counterparts. For instance, after one of the COF’s female investigators, Natalie deBorgory, led a certain pimp, referred to simply as “B,” to believe she was willing to “hustle” for him, the man opened up to her, telling her specific places where “girls made lots of money.”²⁵⁶ The man listed “Billy’s” on Seventh Avenue and the Grand Central Palace, an exhibition hall in Midtown, before explaining that “he had had a fairy working for him, and that there was more money in fairies than in women.”²⁵⁷ An aspect of this story which would have interested the COF greatly is that it revealed one of the mechanisms whereby a pimp could convince a woman knowledgeable about the trade

²⁵⁶ Burton W. Peretti has erroneously argued that the COF, “attempting to change with the times,” first hired female investigators beginning only in 1921. Peretti 2007, 33. But the COF already employed many female investigators well before then. COF members like Mary Kingsbury Simkhovitch, Maude E. Miner, and Frederick Whitin were in fact early public champions of the use of female detectives by private morals societies and public law enforcement authorities. See for instance “Urges Military Police Force,” *Sun* (New York City), March 1, 1913, <https://chroniclingamerica.loc.gov/lccn/sn83030272/1913-03-01/ed-1/seq-5/>.

²⁵⁷ Report of Natalie deBorgory on the Strand Cafeteria, May 6 (no year), File: “Strand Cafeteria,” Box 28, C14. According to deBorgory, the man “added that even now, when he was in need of money, all he had to do was to go to the lobby of the Astor Hotel and allow one of the fairies to pick him up,” saying, “I always get something from them—I know the game.” This points to the fluidity of “homosexuality” and sexual identity at the time. To have sex with a fairy was not presumed to throw a man’s masculinity into question. Indeed, the man also “added that the reason he or any of the boys could get all the money from the particular fairy he had had, was that he had given the privilege to the fairy, so he ‘had it on him.’” On the changing nature of medical sexual discourse at the end of the nineteenth century, see Chauncey 1983. On shifting discourses on sexuality during the World War I era, particularly as it relates to sexual relations between white working-class and middle-class men, see Chauncey 1985; Chauncey 1993; Terry 1999.

to earn for him. A streetwise man who knew his way around the underworld, and who had experience with both hustling and pimping, could undoubtedly be an asset to a woman interested in getting involved in the sex trade, if only because he could help set her up with “suckers” and turn her on to those places where the work was safest and most lucrative. The story also speaks to how pimps sometimes engaged in prostitution themselves, much as this B allowed men to pick him up at a high-class place like the Astor Hotel when strapped for cash.

Even though it drew on the breathless narratives about white slavery which emphasized the importance of “kept women” to commercial sexual vice, the COF did not focus much on traditional brothels. When it did locate them, it turned the information over to the police, who were increasingly willing to shut down openly run sex trade establishments as they had not been when it came to saloons, hotels, and other legal and legitimate businesses wherein sex work merely took place or was encouraged as a way of driving up demand for other aspects of business. One simple reason for this was that, as the segregation approach to red-light districts popular in the 1890s began to lose support by the early twentieth century, more and more laws explicitly criminalizing open prostitution were passed, making it relatively easy to secure convictions against a place that was operating openly.²⁵⁸

²⁵⁸ While it was relatively easy to shut down brothels, securing convictions on charges related to pimping were much more difficult, since *compulsion* had to be proved, meaning the outcome of such trials hinged on the sex workers themselves testifying against the man. The charge, “compulsory prostitution of women,” Penal Law, Section 2460, read thus: “Any person who shall place any female in the charge or custody of any other person for immoral purposes, or in a house of prostitution with intent that she shall live a life of prostitution; or any person who shall compel any female to reside with him

The COF devoted most of its energy to surveilling those kinds of establishments it believed it could bend to its will, rather than focusing on those it perceived as inherently illegal or inescapably immoral like the brothel—these latter sorts it left to the police, though its investigators did seek them out occasionally. For this reason, the majority of the sex work activities the COF surveilled and reported on are much better understood as merchant activities rather than as industrial enterprises. Still, this did not stop the COF’s investigators from constantly seeking out information about old-fashioned cat houses in the course of their surveillance activities, nor did it stop them from checking out seemingly legitimate businesses like massage parlors, barber shops,²⁵⁹ cigar shops, and

or with any other person for immoral purposes, or for the purposes of prostitution, or shall compel any such female to reside in a house of prostitution or compel her to live the life of prostitution is punishable by a fine of not less than one thousand dollars nor more than one year no more than three years, or by both such fine and such imprisonment. . . . Every person who shall knowingly receive any money or other valuable thing for or on account of procuring or placing in the custody of another person for immoral purposes any woman, with or without her consent, is punishable by imprisonment not exceeding five years, and a fine not exceeding one thousand dollars.” The wording of this law was notably explicitly gendered, as was typical of anti-prostitution laws, and it further stipulated that prosecutors had to prove *intent*, which placed much of the weight of the case on the testimony of the sex workers working for the accused. Convictions on this charge were thus very difficult to attain, even in those cases where some form of coercion was plausibly present.

²⁵⁹ Barber shops, candy stores, and other seemingly innocuous service businesses sometimes shared connections with prostitutes located offsite. The following 1919 report by a COF investigator, identified only by the initials S. B., which begins in a Lower East Side barber shop called Valenti’s and ends in a small-scale tenement house brothel, is instructive of how such operations worked: “I reached the barber shop (45 Rutgers St.) at 7 P.M. The boss of the shop, Valenti, told me that the fellow was around earlier and told him that he couldn’t meet me, but arranged another fellow to take me around and show things. The name of this new fellow is Sam Itzkowitz, he lives at 234 Cherry St. Sam Itzkowitz went to eat supper and told me to wait for him at the barber shop. While at the shop I learned of an Italian barber who works in this shop that I could get a woman or a girl (as there are two of them in the house) at 527 E. 12th St. ground floor, back, right

hand side. In order to get in I ought to inquire for Ida and if Ida isn't there I should say that Ida sent me. I inquired who this Ida is. The barber told me that this Ida is running several houses, she visits restaurants, candy stores and acquaintances and in this way she picks up *trade*. The barber told me that this Ida had a 'place' at 292 Cherry St. a few weeks ago, and that it was raided. He gave me a description of Ida as a woman of about 28 years of age, about 5 ft. 7 in height, slim, weighs around 130 pounds, dark complexion, painted up a great deal. I told the barber that for curiosity sake I'll take a jump up there are when Sam Itzkowitz will return he should wait for me. I proceeded to 527 E. 12th St. It is a big tenement house, knocked at the rear apartment and a young girl opened the door. I asked for Ida and she told me that Ida isn't here just now.... There was another girl in the house and also a man. While being there a man knocked on the door and came in.... He picked out one of the girls and they went in the other room. I stayed there for about 15 minutes, when getting ready to go one of the girls said, 'Don't you want to stay?' I told her I would be around some other time, as I mainly came to see Ida. I then hurried back to the barber shop. Sam Itzkowitz was waiting for me. From the barber shop we proceeded to 172 Clinton St. Itzkowitz told me to wait outside while he went in to a cleaning store. When he came out, he says to me, 'Boy I'll take you to a place where you could pick out a 17 year old girl.' I asked him how many girls are in the house and he said, 'Generally two but sometimes three.' While walking to this house he told me the number of houses he knew and all the pimps, that if I'll be on the level with him I wouldn't be short in ----- any more. I told him that I am a white fellow and expected him to be on the level with me. By this time we reached the big tenement house #2- 4 Ridge St....Itzkowitz then turned to me and said, 'You'll have to pay for me because it don't look good for me to go up and not to stay with a girl.' I told him I haven't got that much money with me, and told him he is trying to exploit me. He said, 'You was going to give the barber \$5 for one girl, for \$6 we could both stay'. He told me that I wouldn't regret for getting in with him as he could take me to a house where there is 18 girls and I could pick out one for steady company. He insisted and displayed a number of addresses of different houses. I consented, we walked up to the fifth floor, apt. 21, house 2-4 Ridge St. There were two girls in the house and a man, as I learned he was the pimp. They are all Jewish. Itzkowitz took the young girl whom he says is 17 years old, but very fat. He remained in the kitchen with the man and one of the girls, whose name is Rose. I paid for Itzkowitz which amounted to \$3. The girl Rose asked me, 'Well, how is it about you.' I told her that I had a mistake thinking I had more money in my pocket than I really have as I didn't think this place was so expensive charging \$3. In the meantime Itzkowitz walked down. I remained in the house getting quite familiar with Rose, who looks to be the star." Report of S. B. on Valenti's barber shop, March 6, 1919, File: "1919 #4," Box 34, C14. A little more than a week later, the same investigator paid a visit to a candy store at 48 Jackson Street, where he was steered by a man to two private apartments where women offered sex for money: "After reporting at 4 P. M. To the Inspector as instructed, I proceeded to 48 Jackson St. (a candy store). On a previous night I met a few fellows there and with whom I had an appointment. One of the boys whom they call 'N****r' gave me the address of a woman at 21 Allen St., top floor, front, left hand side.

dance studios advertised in newspapers²⁶⁰ to ensure they were legitimately licensed operations, and that they were not simply brothels in disguise.²⁶¹ The new, “post-brothel”

He told me this woman does business only in the daytime. The name of the woman is Mrs. Thompson. I proceeded to the above address, and the door was locked. Coming down the stairs I met a woman coming up and from the description given I understood it was her. I asked her if she was Mrs. Thompson. She told me ‘Yes’. I then told her that N**** send [*sic*] me—she told me to come next Monday as she is not feeling well now. I then visited the lunchroom on Rutger St. but was unable to learn anything new. From here I proceeded to 214 E. 6th St. The woman wouldn’t let me in, telling me to get the old man. I went to Brown’s lunchroom, where I found the old man who went with me to 214 E. 6th St. He told her that I’ll come there later with a friend and that I am OK. About 8:40 P.M. I proceeded to meet the Inspector, as we arranged, and after meeting his man we started out again. We visited the candy store on Jackson St. None of the boys were there. We then went to 214 E. 6th St. After gaining admission, I introduced the other fellow as my friend. She asked the fellow to go in the bedroom, when they walked in the room I unlocked the door and went out, sending the cops in (they were standing in front of the stairs). The arrest followed. About 11:10 P.M. we arranged to meet again Saturday night at 8 P.M.” Censorship mine, report of S. B. on Candy Store at 48 Jackson St, March 14, 1919, File: “1919 #4,” Box 34, C14. This anecdote also reveals how the COF’s investigators gained the confidence of individuals involved in the sex trade in order to gain entry to otherwise closed off spaces of sexual commerce.

²⁶⁰ Other reform societies familiar with its moral surveillance work sometimes contacted the COF to investigate suspicious advertisements for places offering dance lessons, believing them to be possibly ads for commercial sex in disguise. For example, the Girl’s Protective League of the New York Probation and Protective Association, whose leader, Maude Miner, was a COF member, wrote the following to the COF in June of 1921: “We have received an anonymous letter, of which a copy is enclosed. The advertisements marked in the clipping, said to be from the Evening Telegram, enclosed with the letter, were as follows: ‘ANN DARLING. Charming, cozy studio; absolutely private instruction, practice, by young lady.... ‘MURIEL PARKER—Latest steps; beginners; practice; strictly private.... We are referring the complaint to you, since it is clear that a man is needed to investigate the conditions.” Helen F. Robinson to Frederick H. Whitin, June 23, 1921, File: “Special Investigation, 1920-22,” Box 34, C14.

²⁶¹ Again, in these cases too it was the COF’s policy to tip off the police when they suspected a business was being run as a front to a brothel, though it sometimes did some legwork first. For instance, Frederick Whitin wrote to Captain H. W. Turner, of the US Sanitary Corps, in December of 1918 to urge him to check out conditions in a suspicious cigar store near Union Square Park: “A Committee investigator was recently solicited in the United Cigar Store on the S/E corner of 14th St. and Broadway. Suppose you suggest

institutions which gained ground during the World War I era, such as the call house,²⁶² can be fit more readily in the sphere of merchant's capital, since they were typically

to the members of your squad when they are in that neighborhood that they purchase their smokes in that store, particularly making it a point to get in if they see any women in there.” Frederick H. Whitin to Captain H. W. Turner, December 14, 1918, File: “New York City 1918,” Box 24, C14. In other instances when dealing with front businesses or legitimate businesses suspected of operating as brothels of one sort or another, the COF's investigators put in a bit more work before alerting the cops, as is made clear in the following anonymous investigation report: “I visited the barber shop of B. Irgang at 96 E. 8th St. at 5 P.M. There were a number of men waiting to be shaved. I seated myself in a chair to wait for my next [*sic*]. While waiting there I noticed that after shaving every customer, the barber took him in the back of the shop, where they spoke in whispers for a few seconds. I counted that way eleven men. When my next to be shaved arrived, the barber asked me if I wanted a prescription. I told him what is the idea, paying money in advance, as I might not like the girl. He said, ‘Don’t worry, she is some beauty.’ I didn’t have any way of getting out from this and paid him the \$2.00. While doing so he gave another man a bundle of towels to take over to the house, and telling the other man to show me the way. I then proceeded with the other fellow to house #519 East 13th St., room 3. A woman opened the door for us and asked for our tickets. We gave them to her. There were four other men in the three room apartment waiting for their turn. When my turn came I told her that I wanted my ticket back as I was afraid to use a woman without a protector. She told me not to be afraid. I insisted on getting my ticket back but she wouldn’t give it to me. I told her that I would get the money back from the barber. I didn’t go to the barber as that would spoil chances of getting another ticket from him which could be used by someone else to make an arrest.” Report on B. Irgang Barber Shop, no author, January 8, 1919, p. 1, File: “1919 #4,” Box 34, C14. Once the basics of the scheme were worked out, the COF's investigator could leave the scene, trying his or her best not to appear suspicious, and offer the information up to the authorities. This illustrates how the COF worked to facilitate arrests in the hopes of closing down hypogean brothels when its investigators happened upon them.

²⁶² “The loss of the Raines Law hotels as spaces from which to ply their trade dealt a severe blow to the independent prostitutes who had flourished in New York City before the war. Forced out of the hotels because of the danger they now brought and faced with new forms of enforcement and skyrocketing arrest and conviction rates, prostitutes responded in a variety of ways to ameliorate their immediate concerns. The very factors that led them to change their practices, however, also restricted their options for maintaining themselves without the help of other people. There is some evidence that ‘call flats’ began to emerge late in the war. Managed almost entirely by women, call flats were small-scale secretive brothels that relied on telephones to coordinate their business without drawing the attention of police.” Clement 2006, 136. Call houses were in fact

based less on an organized hierarchy and more on associations of entrepreneurial individuals selling sexual services through a common platform. This trend continued throughout the prohibition period, despite the encroachments of organized crime on the sex trade.

Immoral performances comprised an important area of activities at which the COF's surveillance was directed. In a time before recorded music systems were widely used, live music was a staple aspect of the dance hall's functioning as a business. Musicians set the tone for an establishment, since particular sorts of music were typically associated with particular forms of dance. As the anecdote about the interaction between the musicians and dancing couples about the B. B. Odell steam ship at the head of this part of the chapter attests, musicians were typically responsible for more than just the music in an establishment. They were all-around entertainers who encouraged those dancing to take on particular dancing styles and actively interacted with audiences. The distinctions between the patron and performer, emcee and patron, singer and dancer were fluid and sometimes broke down entirely, and the cramped spaces of entertainment were themselves spatially organized in such a way as to naturally promote a kind of fluid intimacy between audience and entertainer. As is still generally the case today, burlesque performances were exemplary in this regard, in that performers often passed through the audience and to collect cash directly from individual audience members appreciative of their talents.

already on the COF's radar as early as 1910 and are mentioned briefly in *The Social Evil in New York City*.

The COF also scrutinized the character of theatrical performances and burlesque shows in kinds of venues around the city. If a performance was considered bad enough, the COF would sometimes try to get the place closed, punish those responsible, or at least bring about an end to the particular objectionable aspects of the performance.²⁶³ There was no straightforward calculus capable of determining whether a particular performance was unacceptably immoral. As Whitin once advised a reformer who contacted him concerning how to effectively censor unwanted plays, the question often hinged on the relative skill of the performers, as well as “the general and mechanical assistance given them,” “a bedroom farce,” according to Whitin, “which, presented in New York by a clever company with the best of accessories, will seem comparatively harmless, while the same play given in the smaller cities and towns by a third rate road company is nothing else than salacious.”²⁶⁴

During the war, the COF collaborated with private relief organizations to combat “immoral performances” and exhibitions deemed to be morally harmful to military men and thus potentially threats to the general war effort. One of these entities was the US Sanitary Corps (USSC), a private relief agency created by the federal government during

²⁶³ In a revealing letter to the Chicago Vice Commission, Frederick Whitin expressed surprise at what he saw as the weak punishments associated with obscene performances in Chicago relative to those imposed in New York: “I was struck again by the fact, as stated on page three of your Report, that the maximum penalty for an indecent performance was only \$200. Do you not think that it would be time well spent to secure an amendment, so that the maximum penalty might be a year in jail?” Frederick H. Whitin to Samuel P. Thrasher, July 17, 1922, File: “Committee of Fifteen (Chicago),” Box 10, C14.

²⁶⁴ Frederick H. Whitin to Henry Lloyd, April 12, 1922, File: “L Corresp,” Box 11, C14.

the Civil War to provide medical services.²⁶⁵ By 1918, the USSC was employing its own investigators to assess conditions as they related to the health and moral welfare of the armed forces and was actively involved in national efforts to ensure the population—military and civilian alike—was “Fit to Fight.” In one instance in early January of 1919—after fighting had ended, but as the process of demilitarization was underway—, the USSC’s Captain H. W. Turner reached out to Whitin to share details from a report filed by one of his investigators concerning a burlesque show put on at the National Winter Roof on Houston Street. The report read as follows:

Attended burlesque show at National Winter Roof, Houston Street. In one scene a kissing song is sung and the spotlight flashed on soldiers and sailors among the audience. They are asked to come up on the stage where they are kissed by members of the chorus. The show itself is a little raw and the theatre is very dirty. In case of fire the loss would probably be heavy. Noted no sailors being invited into dressing rooms.

Commenting that he felt the report was evidence enough “that the time has come for all of us to act in regard to this theatre,” Turner wrote that he would “appreciate very much [Whitin’s] suggestion as to the best method to pursue.”²⁶⁶ Clearly the COF’s more than a decade of experience of molding New York’s commercial leisure culture made it

²⁶⁵ Interestingly, at the time of its creation in 1861, the USSC’s executive secretary was at the time of its creation none other than Frederick Law Olmsted, the celebrated reformer, conservationist, and landscape architect credited with designing Central Park and Prospect Park. Olmsted was also one of the nation’s first investigative reporters. His undercover voyages through the South in the decade prior to the war helped to make the recently formed *New York Times* a household name. See Horwitz 2019. Readers of *Capital* will know that Marx draws on an account from Olmsted’s *Journey in the Seaboard Slave States* (1856) while pointing out the relative costliness and wastefulness of slave-based production.

²⁶⁶ Captain H. W. Turner to Frederick H. Whitin, January 3, 1919, File: “New York City 1918,” Box 24, C14.

an essential contributor towards such efforts to sanitize the forms of entertainment absorbed by the soldiers and sailors stationed in the city.²⁶⁷

In 1919, a bitter challenge to the city's informal system for censoring motion pictures unfolded, and the COF, being an indirect participant (its investigators visited motion picture theaters and advised officials on what performances and exhibitions were worthy of censorship) and an interested party, since much of the censorship involved questions of sexuality or gender trouble.²⁶⁸ The conflict involved a moving picture titled "Fit to Win," which was an edited version of a picture called "Fit to Fight," which had been created by the War Department Commission on Training Camp Activities during the war—the same entity with whom the COF's investigators and staff worked to surveil

²⁶⁷ The COF actively worked to prevent the sale of alcohol to soldiers and sailors during the war. Sometimes it did not wait for its own investigators to confirm accounts of such sales before reaching out to allied groups like the USSC. For instance, a representative of the COF wrote the following note to Captain T. N. Pfeiffer of the Law Enforcement Division of the New York Commission in September of 1918: "It might be of interest to note that an acquaintance of mine, a woman of highly reputable character, has informed me that the saloon located on the northeast corner of 55th Street and Eighth Avenue is apparently violating the regulations with regard to sales of uniformed men....My informant has occasion to visit a dentist in that neighborhood and she advises me that on two occasions she noticed parties of sailors, after some preliminary parleying, with the bartender or proprietor, enter the premises; on one occasion, one of the uniformed men invited his companions to come along, saying 'Come on, Jack, this fellow is all right and we can get what we want'." PJM:H to Captain T. N. Pfeiffer, September 25, 1918, File: "New York City 1918," Box 24, C14.

²⁶⁸ By attending early review showings, the COF and other civic censorship organizations could implicitly endorse certain movies aligned with its views and/or aims, such as the 1913 film *Traffic in Souls*, a story based on revelations made by the Rockefeller "white slavery" investigations. See "Release—'Traffic in Souls,'" *Washington Herald*, December 21, 1913, <https://chroniclingamerica.loc.gov/lccn/sn83045433/1913-12-21/ed-1/seq-18/>.

social conditions near military training facilities along the eastern seaboard.²⁶⁹ While the central message of the original picture, in Frederick Whitin's words, was that "continnence and physical manhood were compatible, that the prostitute was always an enemy and never a friend," the commercialized version retained this general theme but had cut out the "frankest scenes," and "both sexes were admitted at the same time to the exhibition" (Committee of Fourteen 1920, 38). A many-sided legal battle was sparked when "Fit to Win's" exhibitor bypassed the informal approval process, under which the mayor's office, through the Commissioner of Licenses, typically regulated exhibitions. Though the state District Courts originally ruled in favor of the picture's exhibitor, the decision was later reversed in the federal courts when the United States Circuit of Appeals ultimately ruled that the Commissioner indeed had the discretionary power to revoke moving picture theaters' licenses.²⁷⁰

The COF believed that while conditions around the military camps in the greater New York area were well regulated and controlled, the city itself had since 1917 seen a massive uptick in a new institution: the all-night cabaret. In its report for 1918, the COF

²⁶⁹ An advertisement for screenings of "Fit to Win" at Gotham Theatre on East 125th Street can be found under "Photo Plays," *Evening World*, June 13, 1919, <https://chroniclingamerica.loc.gov/lccn/sn83030193/1919-06-13/ed-1/seq-27/>. The ad describes the film as "Authorized by the U.S. Public Health Service," and lists the orchestra section as reserved for women, the balcony section for men.

²⁷⁰ This informal system was advocated by members of Belle Lindner Israel's Committee on Amusement Resources for Working Girls, including vice investigator Julia Schoenfeld and the COF's own Frederick Whitin. This same group was responsible for the passage of the dance hall license act. See "Hold Classes in Games and Dances," *Times Dispatch* (Richmond), May 1, 19013, <https://chroniclingamerica.loc.gov/lccn/sn85038615/1913-05-01/ed-1/seq-9/>; Israel's 1912, 124; Perry 1985.

blamed the proliferation of these resorts on the policies of the former mayor, John Purroy Mitchel, policies which made it possible for these places to attain licenses allowing them to operate all night long.²⁷¹ To watch over businesses to ensure they served alcohol and

²⁷¹ The COF's reporting on Mitchel's controversial policy towards cabarets was covered by the *New York Times* in the spring of 1918. It is worth quoting from this article at length: "The COF, which was organized in 1905 to fight commercialized vice as a result of widespread criticism of conditions in the city, in its annual report made public yesterday announced that it had found moral conditions well-guarded, with isolated exceptions, around army camps near New York City, but reported that during 1917 certain types of resorts had flourished in New York City, and that the responsibility rested upon ex-Mayor Mitchel. The COF reported that serious evils had developed in certain cabaret, which, it asserted, were permitted by May Mitchel to continue open all night. It also reported that the Police Department had been notably lax in watching and regulating the resort hotels during the last year of his Administration. The war order stopping the sale of liquor in these places at 1 A. M. had partly done away with the evil, it was asserted.... [T]he committee in its report said: 'The COF is of the opinion that the responsibility for the extension of the very grave evils manifested in the cabarets must rest with May Mitchel. It is the blot on his police administration. His tolerance of the pseudo club, known to all connected with the night life of the city as a subterfuge, was responsible for the new development of the social evil—a phase more mercenary and debasing than anything known in New York for years.'.... The COF asserts that the existence of these place was specifically authorized by May Mitchel, and that the COF's repeated appeals to the State and local authorities to abolish this evil had no effect. The report says: 'The unsatisfactory conditions incident to the all-night sale of liquor in the cabaret resorts in the city, of which mention has been made in the COF's reports, were specially investigated during the year. The COF's belief that these places constituted a serious menace to the community was found to be more than justified.... 'Formerly but one restaurant made a specialty of catering to the all-night amusement seekers, but with the introduction of the cabaret the closing hour of many of the amusement resorts of this kind was extended. These places secured an all-night license, but under an arrangement with the Mayor, in whom the law vests discretion to grant or refuse such licenses, it was agreed that sales of liquor should cease at 2 o'clock, and the places close shortly thereafter.... The proprietors of these resorts, not satisfied with the additional hour, secured control of the charters of clubs incorporated prior to the enactment of the present liquor tax law, and applied for liquor tax certificates for such clubs. Under certificates so issued the cabaret resorts continued their all-night business as long as their patrons remained. Membership in these clubs was a mere formality. In a few cases the prospective customer, by signing a register and paying a small fee, was declared to be a club member'.... [T]he report continued: 'The COF, in its endeavor to suppress these resorts, was without the help of the brewers and surety companies, which it has received

remained open only during legally permitted hours was one of the COF's most consistent tasks, even as the terrain of licensing and legal codes shifted over time for various political, cultural, and economic reasons. But I will return to this matter in the section below on the COF's surveillance of the sphere of commercial capital, since it belongs more firmly to the question of under what particular conditions restricted commodities may be sold and less to do with attempts to limit how proprietors profited from performance itself.

in many other cases. This is because these places are not under the control of the former, and were able to deposit cash in lieu of the usual surety company bond. If the cabarets should again remain open all night, an amendment to the liquor tax law regarding club licenses should be secured to limit the issuance to bona fide clubs.'.... While army camps have not been entirely free from social problems, commercialized vice has not been able to obtain a foothold near any of them which were investigated by the COF. As to conditions obtaining near New York City, the COF says: 'With the establishment of the mobilization camps in New York City and Long Island and of the cantonments on Long Island and in New Jersey the field of the COF's work was greatly increased. It is to be regretted that the Police Department of New York City was inadequately prepared to cope with the protective problem which was presented by the establishment of the mobilization camps within its limits. At the time there were but two women policemen, or protective officers, available, and they but recently appointed as an experiment.... The weekly influx of men in uniform into [New York City and Philadelphia], men seeking relaxation and excitement after the restraints and strenuous life of the camps, presents a most serious problem. Fortunately, the situation is realized, and every effort is being made to supply the soldiers with opportunities for legitimate recreation'." "Assails Mitchel for Cabaret Evils," *New York Times*, March 11, 1918, <https://nyti.ms/3FTRN92>. These cabarets were proto nightclubs. They were, as the COF's reporting makes clear, places which were able to successfully gain licenses meant for "bonafide clubs," allowing them to remain open and serving liquor as long as club members remained in the establishment. The COF's efforts to quell the "cabaret evil" represented an extension of its attempts to limit the hours of operation of drinking establishments. Their opponents, the owners of cabarets, were constantly trying to augment profits by remaining open and serving alcoholic beverages for longer hours. The COF's investigators were constantly searching for evidence that proprietors were acting in violation of legally mandated hours of operation, either by remaining open later than permitted or serving drinks after designated hours of service.

In other cases, the issue of what constituted disorderly and immoral entertainment was caught up in concerns related to proprietors' comportment. If a proprietor or some other worker was willing to engage in obscene activity of any sort in order to entertain patrons, then the place was perceived to be flirting with disorder.²⁷²

Services related to transport and communication were often of interest to the COF's investigators. Two categories of activity within this sphere were of particular concern. First, certain modes of transportation (e.g., taxis and privately owned automobiles) transformed the spatial relations of disorder, allowing customers and sex workers alike to travel further from their homes easier than ever before.²⁷³ These means

²⁷² Sometimes these two things went together. Indecent performance and acts of lewd storytelling by proprietors are presented in some reports as two equally immoral acts characteristic of a badly run place. "In one of the well-known, somewhat exclusive, speakeasy night clubs, frequented by men high in the local political world, the investigator saw the most debased acts of degeneracy conceivable—positively repulsive to the weakest sense of decency—and heard narrated by the manager himself the nastiest tale imaginable, in the most vulgar terms utterable—all as part of the entertainment of the twenty odd guests present, all of whom seemed to have enjoyed the 'show' with feverish enthusiasm." Unsigned [Raymond Claymes], no date; File: "Harlem, Report on Conditions," Box 82, C14. Note that the unnamed manager's story is here offered up as evidence that the place surveilled is particularly bad, the assumption being that the COF expected managers to comport themselves respectably. As Robertson (2009, 448) notes, the COF hired a black investigator, Raymond Claymes, in 1926, with the help of the New York Urban League: "Both the congregation of blacks in Harlem and their retreat into private, unlicensed spaces made it increasingly difficult for the [Committee of Fourteen] to effectively keep tabs on the neighborhood using white investigators. Nonetheless, until 1926 conditions in Harlem appeared to [the COF] to have changed little. That year, the new cultural prominence of the neighborhood, which spurred waves of white visitors, and new leadership led the [Committee of Fourteen] to revise that view and employ a black investigator. A sense of racial solidarity made many blacks unwilling to take on that job, but conservative middle-class blacks were willing to cooperate." Prior to 1920, the COF employed at least five other black investigators to investigate conditions in Harlem.

²⁷³ Mackey provides some helpful context for understanding the changes wrought by the rise of the taxicab and the "call house" in the 'teens: "As parlor houses disappeared and

of transport constituted private, mobile spaces where disorderly activities of various kinds could transpire away from onlookers' prying eyes.

Second, particularly after the virtual disappearance of openly run brothels, the COF actively sought out the specific mechanisms whereby customers and sex workers were coordinated and brought into exchange relations. Communication technologies like the telephone created new modes of contact for facilitating underworld transactions, and the COF worked to police telephone and telegraph lines (Baldwin, Simkhovitch, and Kellor 1910; Committee of Fourteen 1915, 19; Committee of Fourteen 1916, xxv).²⁷⁴ Small-scale commercial networks became more important. For a small fee, waiters, chauffeurs, saloon keepers, singers, bellhops and the like would either physically "steer" clients from legitimate spaces of business towards private, exclusive spaces where they knew prostitutes or "game" women might be located, or else provide a telephone number of a call flat or instructions as to how to find and gain entrance to otherwise hidden and closed-off spaces. Without the basic protections afforded by the brothel, sex workers were increasingly responsible for their own safety and for minimizing the risk of getting

women freelanced, prostitutes employed the new technologies to make contact with men and to carry on their business. Automobiles offered greater mobility to both men and women, allowing persons to range farther and with greater anonymity than ever before. Away from the prying eyes of neighbors and chaperones, cars provided a near-perfect location for sexual contact both for money and for non-monetary pleasure." Mackey 2005, 46–48.

²⁷⁴ "Business Men Who Are Quick to Take Prostitutes' Money," *New-York Daily Tribune*, July 10, 1910, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1910-07-10/ed-1/seq-48/>.

caught, leading some to turn to rely more heavily on pimps for protection than before, and most to exercise an abundance of caution when dealing with strangers.

In 1919, David Oppenheim, an experienced COF investigator and former clothing salesman who sometimes went undercover under the name David Ogden, conducted an extensive investigation of Manhattan's taxi drivers. Oppenheim, who was of Jewish descent, was a "glad-hand artist" (Robertson 2009, 491), and an all-around capable undercover investigator who could get in with almost any crowd and was armed with a powerful memory that enabled him to reproduce detailed accounts of his nights out on the town. In short, Oppenheim possessed all the requirements for a successful anti-vice investigator.²⁷⁵ What he was particularly searching for were substantive links to prostitution businesses, especially those run out of hotels or private apartments which were difficult to access without personal connections. He did not find any strong evidence of large-scale coordination among drivers, hoteliers, and prostitutes, but he did discover sufficient anecdotal evidence to suggest that a significant number of chauffeurs were willing to let couples use their machines as spaces for sex in exchange for a small extra fee (Gallas 2022, 108–109).

Oppenheim also found that some drivers had information about specific places or general areas of the city where professional prostitutes or game women could be found.

²⁷⁵ In the words of Chicago Vice Commission member Graham Taylor, a successful vice investigator had to be able "to sift facts from assertions, significance from mere appearance, real meanings from deceptions; to deal not only with the easily accessible professionals, but with the illusive principals, bluffing police and other officials in connivance with crime, the real estate agents and owners, employment bureau and hotel runners, charlatan doctors and vendors of illicit goods, wily politicians and secretive merchants and property-owners." Taylor 1911, 241.

However, by 1919 the rules of engagement governing the sex trade had changed so dramatically that even if one knew about such places in theory it was often in practice extremely difficult to gain entry. Relationships with people who were “in” on these places, who were trusted enough to bring newcomers, were hard to come by and had to be cultivated. Since 1912 the police had grown steadily less tolerant of openly run parlor houses. With the US entrance into the war came a renewed crackdown on such places, and the use of progressively bolder plainclothes tactics by private and official anti-vice officers alike meant that most sex workers and owners of “disorderly houses” regarded strangers with a high degree of suspicion.

Another service industry that was of interest to the COF’s investigators was that of health services, particularly midwifery and abortion services. Abortion rates skyrocketed across the city during the final decades of the nineteenth century. The precipitous rise in foundlings—children abandoned by desperate mothers—was documented extensively by a group of urban investigators, including Samuel Byram Halliday and William F. Mott, whose work, modeled after highly influential investigative publications like Engels’s *The Condition of the Working Class in England* and the works of Charles Dickens, led in part to the development of a whole range of children’s aid societies, foundling asylums, and orphanages designed to mitigate the rising crisis for children that was mounting by the end of the Civil War (Miller 2008, 16, 95).

In trying to root out and police the flow of information about where to obtain abortions and other forbidden reproductive services or products, the COF carried on the tradition of conservative repressive work popularized by Anthony Comstock beginning in

the 1870s. It viewed abortion as the primary evil associated with unregulated midwifery, but it was also opposed to birth control in general as a demoralizing and dangerous gateway to immorality. This brought the COF into direct ideological conflict, not just with radical feminists like Emma Goldman²⁷⁶ but also with other Progressive reformers like Margaret Sanger and the American Birth Control League. Like the COF, Sanger's project was after all famously conservative and eugenics-minded at its core and was aimed at managing not just the race relations but the very biological traits of the working-class population from above. Both were informed by many of the same currents of social science. Both pursued many-sided racial, gender, and class projects concerned with molding the life activities and social behaviors of the population, and both considered the role of private citizens in public life to be one of active interventions into the life forces of the population. Yet the COF held fast to its puritanical views, not just on the matter of abortions but even as regards the sharing of information about how to attain or use contraceptives.

²⁷⁶ Goldman was arrested on the charge of circulating birth control literature in April 1916 and sent to the workhouse on Blackwell's Island after giving a lecture. Then, on May 20, 1916, she once more spoke out in Union Square about the need for birth control access and education and was again arrested on the charge of disseminating information on birth control. Sanger, too, was arrested in October of the same year for spreading birth control information at her recently opened birth control clinic in Brownsville, Brooklyn—the first of its kind in the US. Goldman organized the defense and acted as her own attorney at her trial in January 1917, where she successfully argued that she had openly supported the need for birth control but that she had distributed no literature and was acquitted. See “Emma Goldman to Island,” *New York Times*, April 21, 1916, <https://nyti.ms/3E6RRll>; “Emma Goldman Acquitted,” *New York Times*, January 9, 1917, <https://nyti.ms/3xDHa7d>. Sanger was again arrested in November 1921 for giving a speech about birth control at Town Hall. “Police Veto Halts Birth Control Talk,” *New York Times*, November 14, 1921, <https://nyti.ms/3F6baN0>.

The passage of the Midwifery Law in 1907 made the New York City Board of Health responsible for the standardizing rules and regulations associated with midwifery and the issuing of licenses to midwives and made it a misdemeanor to operate as a midwife without a license. In the COF's view, unregulated midwifery was primarily a foreign problem that reflected the traditional values of the city's large immigrant population:

In a city like New York, with its large foreign population and its constant influx of aliens from countries where the midwife occupies an important place in the family life, and where there is a wide circulation of publications printed in foreign languages, the relation of midwifery to the social evil is one of considerable importance.... The influence of the midwife was for a long time ignored, owing chiefly to the lack of knowledge of her activity and the opposition of physicians to any regulation by legislation which would tend to give her legal standing. The establishment of settlements, district nursing and other movements which have improved both health and moral conditions brought to the attention of the people the conditions led to the passage of a law in 1907.... The Midwifery Law applies only to New York City and empowers the Board of Health to issue licenses and make rules and regulations governing the practice of midwifery. It defines the practice of midwifery and provides that any person practicing midwifery in New York City in violation of any regulation adopted by the Board of Health is guilty of a misdemeanor.... Previous to the passage of this law, the Sanitary Code, Sections 159 and 184, provided that only a licensed physician might practice midwifery without a permit from the Board of Health, and that midwives should keep a registry of births and report them to the Board of Health within ten days... The Research Committee found that the most important relation of midwifery to the social evil was through the practice of abortion (Baldwin, Kellor, and Simkhovitch 1910, 101).

As this passage suggests, the COF viewed abortion to be the greatest threat associated with unregulated midwifery. Included in this were not just abortive interventions, i.e., surgery, but also the sale of unregulated drugs designed to end pregnancy, also called abortifacients. The COF saw surgical interventions and pharmacological interventions as two sides of the same coin, and anyone who sought to

profit from either was to be considered a dangerous criminal bent on immorality. Just as bad in its view were those who offered up information as to where and how to obtain an abortion or abortifacients.

In much the same way they pretended to be “customers” in order to root out individuals and businesses which profited from commercial sexual vice, COF investigators would sometimes pretend to be men in need of abortion services of various kinds in order to discover underground midwifery practices. A report by David Oppenheim from January 1917 detailing his trip to the Central Cafe at 2039 Third Ave., reveals how this technique worked. The report contains a section in which Oppenheim questions a professional sex worker named Mary Murphy about where to obtain the services of a midwife willing to perform an abortion procedure:

I was here about a half hour but saw no unescorted women come in and I was about to go out when Mary Murphy and Dominick the two people that I met last week came in. Mary recognized me and called me over to her table.... Mary also point[ed] out a few men in here that she said were pimps, she seemed to know all the women here and most of the men, she also left our table several times to go over and speak to some of the men that she had pointed out to me as pimps. I told Mary that I had ruined a little girl about 4 or 5 months ago and that she was pregnant, I asked her if she wouldn't be a regular guy and help me out, she asked how far gone this girl was I said about 4 or 5 months, she said no she's too far gone, if I tried to give her any thing I'd blood poison her. I said I don't want you to give her any thing, can't you recommend me to some one. She said there is an Italian midwife that all of us go to, she is very good, but she won't take the case if she don't know you, she said you tell her that little Mary Murphy sent you and she will take you on, she said she knows her very well, she drove three of them away on her already. She said if the case ain't very serious she would only charge me \$10.00 but if it's a hard case she will charge me \$15.00 but she has been very lucky in all her cases, she told me Maisie also used her several times. This midwife's name and address is Mrs. Fresegna, 2294 First Ave. S.E. cor[ner] 118th St. first floor right over the drug store.²⁷⁷

²⁷⁷ Report of David Oppenheim, January 13, 1917, File: “1917 #5,” Box 32, C14.

In the COF's view, the task of regulating the activities of "conscienceless physicians and midwives" was a challenging one that was too important to be left up to health administrators alone (Miner 1916, 60). Indeed, such work required "the constant efforts of a considerable force of inspectors in the Department of Health, extensive cooperation on the part of the police, and the active interest of citizens, because of the difficulty of securing evidence" (Baldwin, Kellor, and Simkhovitch 1910, 111). In its investigations of the work practices of unlicensed midwives and the informal networks of information which facilitated contacts between customers and purveyors of forbidden services like abortion and birth control, the COF reinforced and participated in a broader effort by reformers across American society to actively resist both the advance of female sexual autonomy in general and the normalization of firmly anti-Victorian and non-puritan sexual norms. These movements appeared to be incompatible with the patriarchal family form of the industrial family, which for all its flaws was believed to serve an inherently "conservative" function, stabilizing society by cultivating good character and ensuring adequate supervision of young and vulnerable individuals (Simkhovitch 1917, 195, 203, 230).

The COF also sought to aid other reform societies in bringing a halt to quackery, particularly in fields related to sexual and/or reproductive health.²⁷⁸ In May of 1916, Whitin wrote to George Whiteside of the County Medical Society to explain that the police had brought his attention to the fact that a Dr. Constantine of 340 East 118th St.

²⁷⁸ Another group involved in this work was the Society of Moral and Sanitary Prophylaxis, which shared a tight relationship with the COF. See "Urges a Crusade Against Quacks," *New York Times*, April 10, 1914, <https://nyti.ms/3751tlk>.

was “furnishing Italian prostitutes in Little Italy with certificates of immunity from venereal disease,” adding, “It seems to me very possible that he would give such a certificate to any woman who applied, after a most superficial investigation, if any.”²⁷⁹

Surveilling the Circuit of Merchant’s Capital, Part A: Commercial Capital

An important category of buying and selling behavior which interested the COF’s investigators was that of the sale, purchase, or gifting of illegal commodities. We have already seen some examples of some of the forbidden market transactions in the passages above, including the sale of abortifacients and obscene prints and articles. These were among the most important commodities whose sale and purchase interested the COF, but the sale of narcotics was also very important to its investigators. The COF inherited its interest in narcotics to a certain degree from their predecessor organization, the Committee of Fifteen, which was arguably as interested in shining a light on illegal gambling and narcotics abuse in the city’s tenements as it was in tackling prostitution.²⁸⁰

Whereas the Committee of Fifteen attacked the consumption of opium as moral and civilizational problem worthy of suppression of its own right, the COF viewed narcotics as an evil mostly because of its apparent association with commercialized sex. The COF took what we might recognize today as a modern, “gateway drug” approach to the issue of narcotics sales, and urged the introduction of stronger, more aggressive mechanisms of legal intervention:

²⁷⁹ Frederick H. Whitin to George Whiteside, May 11, 1916, File: “C (general),” Box 10, C14.

²⁸⁰ See, for example, report of Arthur E. Wilson on 23 Chatham Square, March 1, 1901, Reel 3, Box 5, C15; and Fronc 2009, Chapter 2.

[I]t is well known that cocaine weakens the moral sense and in this way panders to vice. There is no doubt, however, that its use by immoral women makes their lives more tolerable, and that many of the patrons of disorderly places also come to use the drug. More vicious forms of immorality, more abnormality, are therefore introduced. The efforts made to check it are not successful because only its sale is regulated and little record is kept of the amounts used. The enforcement of so important a health measure cannot be wholly effective if dependence for the funds to enforce it must come from private sources (Baldwin, Kellor, and Simkhovitch 1910, 119).

The COF was at least somewhat sympathetic towards those women who turned to narcotics as a way to “make their lives more tolerable,” even as it perceived drug use generally to be a danger to the moral health of the working population.²⁸¹ Another COF member to emphasize the harmful effects of cocaine was Maude E. Miner, who as a probation officer on the Women’s Night Court and secretary of the New York Probation and Protective Association was exposed to women who reputedly liked to “sniff the coke” (Miner 1916, 2).²⁸² For their part, Baldwin, Kellor, and Simkhovitch of the COF’s

²⁸¹ In this respect the COF was part of a long tradition of Anglo-American reformers who understood opium use to be a way by which the working classes coped with the harshness of harsh working and living conditions. Marx (1976, 522) drew on this tradition in Volume 1 of *Capital* pointing out that, “In the agricultural as well as the factory districts of England the consumption of opium among adult workers, both male and female, is extending daily.... We see here how India and China have taken their revenge on England.” For a discussion of what Marx’s views on opium indicate about his theories of gendered labor, the bourgeois family, and the Chinese state, see Singhal 2022.

²⁸² The first account in Miner’s important study, *Slavery of Prostitution* (1916), is of a woman sentenced to the workhouse for prostitution in the Night Court who, in Miner’s words, “had been enslaved by cocaine, by the drink and the ‘life.’” In Miner’s view, the “clever woman of the streets” was a “type” of sex worker likely to be caught “in the grip of opium or cocaine,” a habit she believed to commonly result in insanity or suicide. Black and tans were seen as particularly bad because “habitués” reportedly “dispensed cocaine, morphine, and opium ... to young girls for the first time.” Miner 1916, 4, 27, 84.

research sub-committee found that many of the women convicted of soliciting in Manhattan's Magistrates Courts were "victims of the drug habit in some form:"

They acquire this habit by first smoking cigarettes and gradually fall into the use of some drug through the example and persuasion of the "cadets" or protectors with whom they live. When these women are arrested many methods are used by protectors to furnish them with the drug to which they are accustomed.... The use of opium is very common among prostitutes in this city. An investigator talked with a number of women who frequent "Chinatown," who asserted that their first step toward prostitution began with smoking opium, given to them by Chinese and white victims of the habit. Probation officers say that it is astonishing to find that many of the young girls of the street are either victims of the drug habit in some form or are just beginning to use it. This is partly explained by the fact that many young men are addicted to the habit, and they in turn teach the girls even before the put them on the street (Baldwin, Kellor, and Simkhovitch 1910, 117–118).

This passage suggests that the COF believed women who smoked cigarettes were heading down the road to harder substances and, possibly, a life of prostitution and vice. The presumption that women who smoked cigarettes were at the very least victims of a dangerous addiction that might lead them to gradually turn to prostitution—dangerous not because of cigarettes' deleterious health effects on the lungs and cardiovascular system, but rather because of their supposed implications for the health of the smoker's soul—helps explain why so many of the COF's investigation reports mention the presence of cigarette-smoking women as evidence that a place was "bad," even as the sale of tobacco products was not prohibited.²⁸³

²⁸³ Sections 1533 and 1745 of the Penal Law established the criminality of the sale of opium in commercial and private establishments: "*Section 1533.*—Permitting use of building for nuisance; opium smoking—A person who: 1. Lets, or permits to be used, a building, or a portion of a building, knowing that it is intended to be used for committing or maintaining a public nuisance; or, 2. Opens or maintains a place where opium, or any of its preparations, is smoked by other persons; or, 3. At such place sells or gives away any opium, or its said preparations, to be there smoked or otherwise used; or, 4. Visits or

By far the most important sphere of commercial transactions of interest to the COF's investigators was that of the sale and purchase of controlled commodities. Alcohol was, of course, the central commodity, around which the whole realm of commerce was organized. To whom could alcohol be sold? By whom? Under what conditions? These were political and legal questions, not simple moral questions. The COF viewed controlling the flow of alcohol as a mechanism for controlling many other aspects of the city's commercial leisure culture. With active support from, and no small amount of effort spent negotiating with the brewers and the surety companies, it was able to effectively determine which businesses were too "bad" to be allowed to hold a liquor license.

Brewers had to walk the line between full cooperation with the COF and the maximization of profit. Sometimes they were unwilling to discipline a proprietor identified by the COF's investigators as running a disorderly business, stating that they believed the proprietor in question was a reliable and respectable individual, even if some mistakes were made and rules slightly bent in the interests of profit making. At any rate brewers preferred to deal with their customers directly whenever they could, and to avoid interventions from outside actors as much as possible. When, for instance, Whitin wrote to the David Stevenson Brewing Company in May of 1918 to complain that uniformed

resorts to any such place for the purpose of smoking opium or its said preparations, is guilty of a misdemeanor." Section 1746, meanwhile, made it "unlawful for any person to sell, furnish or dispense of alkaloid cocaine or its salts ... except upon written prescription of a duly registered physician," with punishments of either up to one year imprisonment or a fine of up to a thousand dollars, or both. Baldwin, Kellor, and Simkhovitch 1910, 188.

soldiers were indirectly buying alcohol through a place it was supplying, located at 1765 Third Avenue, the company responded that they would have their representative contact the place to “again caution him to rigidly follow our orders respecting sale of liquors made, which are not consumed on the premises,” and pointed out that the company had taken numerous steps to ensure that their retail clients were aware of the COF’s expectations: “we have on a number of occasions notified our trade not to sell liquors to persons unknown to them which are not consumed on the premises, fearing that they may be procured for or resold to, men in the service.... We feel positive in stating that this customer is innocent of any intentional violation, but as a matter of precaution will again notify him to [exercise] utmost efforts to prevent a [recurrence] of the incident.”²⁸⁴ Such interactions—the COF pointing out potential moral and legal infractions to brewers, brewers responding that the proprietor’s heart was in the right place—were common in the negotiations between the COF and individual brewers. Such negotiations often made recourse to disciplinary action unnecessary.

Places labeled “disorderly” on the protest list had to demonstrate to the COF’s leadership that they were committed to changing their ways and following the legal and moral limits laid down by the group. Because it wielded this power to shut a business down for good, the COF could pressure otherwise reluctant surety companies into cooperating with its agenda out of self-interest, fearing as they did the very real threat posed by cascading bond forfeitures to their profitability. Sensing the existential crisis of

²⁸⁴ David Stevenson Brewing Company to Frederick H. Whitin, May 13, 1918, File: “New York City 1918,” Box 24, C14.

pro-prohibitionist sentiment, the New York Brewers Association aligned with the COF for similarly selfish reasons to shut down the worst offenders. Even as individual brewers often disagreed with the COF's calculus when it came to what amounted to "bad," they did not have complete latitude in deciding which battles to fight in this regard, since the COF had the power to severely harm their reputations if it so desired.

Under what conditions was the exchange of alcohol and other restricted commodities to be considered morally and legally permissible, and under what conditions was it to be considered disorder? *Who was permitted to serve what to whom* in the city's drinking and entertainment establishments?

In the complex calculus of social difference which the COF applied in answering these questions, not only did social scientific theories of gender, sexuality, and the family matter greatly, but also did theories concerning race, ethnicity, class, and comportment play important roles. A drinking establishment could be considered disorderly not just if it allowed unaccompanied women or open solicitation, but also if its proprietor or any of his or her employees engaged in the sale of alcoholic beverages outside of the hours legally permitted according to the license held by the place, allowed unsupervised dancing, catered to a particularly "undesirable" or disorderly crowd, served alcohol to both Black and white patrons, catered to "sexual perverts" (a derogatory term for LGBTQ people), profited from immoral performances, allowed a woman to change tables or take on new dance partners other than the man who accompanied her into the place, or served alcohol to uniformed soldiers or sailors. In some cases, just one of these infractions would be enough for the COF and the representatives of the Brewers' Board of Trade to

label a place disorderly. Often it was some combination of these activities that would earn a place a spot on the blacklist.²⁸⁵ At the very least the COF expected proprietors to make an active attempt at preventing vice and disorder in their establishments, and if it believed that no such attempt was being made its reaction was typically swift and harsh.²⁸⁶

²⁸⁵ David Oppenheim's investigation of the Moulin Rouge at Broadway and 48th Street revealed a number of violations. Though if taken individually some of these violations may not have been considered too damning, or at any rate they might have led the COF to determine that the place had some flaws but could be managed with a few minor tweaks to operations, when witnessed together the many violations led Oppenheim to judge the place to be "run bad": "About 125 couples, 75 men, no unescorted women. There were several mismatched couples here, girls of about 18 to 19 sitting with men of about 45 to 50 years. About 15 women that appeared to be professional prostitutes, more than half of the balance seemed to be game. Also saw liquor being sold to soldiers and sailors in uniform.... Sports, Gamblers and prostitutes.... This place is patronized by professional prostitutes and women of questionable character. They allow the men from different tables to take escorted women for a dance and while on floor date up these men. There is some soliciting here but not actively. There was [*sic*] a few women here that were positively underage, quite a few of the women were smoking cigarettes, one women that I noticed in particular, was sitting with a soldier in uniform was positively under 18 years old was smoking a cigarette and was being served with Manhattan Cocktails. I noticed several of the men in uniform drinking intoxicating liquors. They were sitting with women and these women ordered the intoxicating drinks and the uniform[ed] men ordered the soft drinks but when the waiter brought the drinks they switched them around and the soldiers got the intoxicating drinks. In one corner of the room I noticed a sailor sitting with a woman. Both of these people were ordering and being served with beer. The waiter apparently was taking a chance to serve them because they were sitting in a part of the room where they wouldn't be so noticeable. The cabaret was vulgar and disgusting. One woman with bare legs and body uncovered from the waist line to the hips danced a salome [*sic*] dance with all the suggestive motions of a sexual intercourse.... I've seen dances of this kind at some of the Burlesque houses but don't think I saw any worse than this one.... From my observation of this place I think it is run bad." Report of David Oppenheim on the Moulin Rouge, File: "1917 #3," Box 32, C14.

²⁸⁶ For example, having received confirmation from a Mr. Martin, representative of the Jetter Brewing Company on April 29, 1909, that the company would agree to cut off the supply of alcohol within 30 days to a bar located at 145 West 40th Street, provided the COF's investigators found the place to be "disreputably carried on," an unnamed member

Businesses profiting directly from prostitution were of course the greatest and most immediate concern to the COF's investigators. Proprietors who actively employed prostitutes could not be trusted, and the COF did whatever it could to shut such places down.²⁸⁷ These sorts of "wide-open" arrangements between saloon keepers and

of the COF (probably Frederick Whitin, who was still conducting many investigations himself at the time) visited the place some two weeks later only to find that not only were conditions bad, but the manager of the place appeared uninterested in conducting the place in a proper way: "I visited these premises on Wednesday May 12th. at about 12:20 A. M. and found unaccompanied women of the prostitute class passing in and out and sitting at the tables. Menus were on the tables but there was no kitchen. The counsel for the proprietor who was brought up, said 'You know a place on this block cannot be made to pay without catering to these women.' This is even worse than I anticipated, because of the fact that not even an attempt was made to conduct a decent place." Given the proprietor's apparent unwillingness to even feign interest in following the COF's standards to the undercover investigator, the COF urged the company that "withdrawal of your supply is in order." He also demanded the revocation of supply by the same company to another place, located at 140 Lexington Avenue, which was also found to be "run as a bad-house," where "unaccompanied women are to be found in the Rathskeller and women were hugging men in the rear-room on Wednesday at 11:50 P.M." The COF implored the company to immediately send "notices of withdrawal in formal order" to both places, adding that quick action would allow the COF to "notify the other breweries of your commendable action." In these early years, before the COF's protest list scheme was up and running all the way, it relied on this sort of social pressure, in the hopes that brewers who had promised to enforce the COF's standards would seek to retain their reputations among their peers, even if (and, indeed, especially when) no effective course of legal disciplinary action (i.e., liquor license revocation and/or denial) was possible. Jetter Brewing Co. to Frederick Whitin, April 29, 1909, File: "Brewers, 1909-1910," Box 10, C14; Committee of Fourteen to Jetter Brewing Co., May 15, 1909, File: "Brewers, 1909-1910," Box 10, C14.

²⁸⁷ An example of a place which tolerated open soliciting came in June of 1917, long after the last Raines Law hotel had disappeared. The COF's unnamed investigator who penned the report on the Old Homestead on St. Nicholas Avenue between 165th and 166th Streets succeeded in gaining the trust of the place's owner, John Burns, who proceeded to incriminate himself many times over. The unnamed male investigator reported that there was "lots of" soliciting observed in the place, and gave a lurid description in his report, even as by the investigator's own admission the verbal report provided to the COF's executive secretary, Walter Hooke, "was more in detail": "I got acquainted with the owner Mr. John Burns ["medium [sized] man, blue eyes/smooth face

bald head medium weight”] who introduced me around to all of his friends in the place among them being two policemen...I had a few drinks then a high ball and after a while pretended to be slightly intoxicated. We formed a little party and the drinks began to fly thick and fast. I held behind saying that I had to be sober for the morning in the clinic. I soon became “Doc” to all those present and everyone wanted to buy me a drink. Some told me of their individual cases of disease particularly gonorrhoea which they had had. The waiter servicing the side room where the music was rushed in and out every few minutes bringing drinks of all descriptions in from beer to high ball. He knew every one of the girls inside and frequently made remarks about this or that “Sun [*sic*] of a bitch” who was either not drinking enough or was pretending to be drunk of a couple of beers. Tom Cummings came out from the inside room and said that the bitch in the corner wouldn’t screw him. This he said to John Burns the owner. The latter said wait a minute I’ll go in and give her hell. He did and returned in about five minutes, saying “it’s alright.” I peeped in the side room and saw there a number of girls sitting and drinking with men. Men with their arms around the girls kissing them.... loud talk from others even swearing—in short quite disorderly. I looked in just as one of the girls got up and began walking around singing while the music played some popular song. She walked around to the different tables stopping in her song to kiss some man or other. I asked Burns the owner, to get me a girl and she said “Doc” they are a bunch of bleeders. They are no good. They will make you spend all your money and then when you screw them they are not worth all the [trouble]. I said I wanted to talk to them anyway. He said go in and talk to any you like. They all screw.... It came 1 A. M. and he started to close the place up.... We all went in the side room off the saloon and sat there drinking beer while Cummings told all about the girls there this evening. He said that he took one upstairs and “Screwed her” on the top of the [stairs]/near the ladies’ toilet. He also told me that there was so much of it on his beat that he couldn’t handle it all. He said that he “screwed girls” even on his beat while on duty. He went out three or four times a week with them. He has been on the force 6 years.... The familiarity that I gained with the waiter and the owner and the men present and from what I saw during the four hours that I was there convinced me that the place was a very disorderly one and was being run not only with the consent of the owner Burns but even with his co-operation and direction. He told me that he knew all of the girls and had even “screwed” all of them many times as he put it. It had that much hold on them that they did as [he] said. If the girls weren’t nice and obliging to the men he came in and talked to them and gave them “Hell” again as he put it.” Report on the Old Homestead, no author, June 4, 1917, File: “1917 #3,” Box 32, C14. Another example of such a place came earlier that year. The Cornell Cafe at 594 Lexington Avenue near 140th Street, reckoned David Oppenheim,” appear[ed] to be waking up” —that is, it seemed to be moving in the direction of more toleration of open solicitation: “all the women that were here appeared to be prostitutes, one of them was smoking a cigarette, the couple was kissing and hugging, everyone here seemed to know one another and spoke to each other across the tables. There were 2 men sitting at a table, they called over an unescorted woman that was sitting along at another table, when she joined these men at their table they acted in a very disorderly manner, one of the men

prostitutes grew less and less common over time, however, particularly after the last of the Raines Law hotels disappeared, and once cops started to really crack down in earnest on places that permitted open solicitation beginning in 1912. When they did continue to exist, their operations became much more secretive, though these precautions did not always keep the COF's investigators out. For example, it took David Oppenheim almost ten minutes to gain entry to Bobby Moore's place at 252 West 31st Street when he went to inspect it in February 1917:

they are very strict and won't let in any one that they don't [know] well....All the women here appeared to be prostitutes, most of them were smoking cigarettes, were speaking to one another across the tables, they all seemed to know one another here, the unaccompanied seemed to be a lot of pimps....They have no dance license but permitted dancing and every one of the women were dancing....A few of the men were kissing and hugging the women they were with and also had their hands under the women's clothes....[The piano player] said the cops on beat are all right we've got them fixed but they can't do any thing for us on a Saturday night, they are afraid some of the big officials are around and the [Captain] watches this door till 4 & 5 in the morning but during the week nights all they do is come around and put the crowd out and then go away.... This place is running wild after hours.... I presume they figure because they keep the door locked a wrong one can't get in, and therefore let the people do as they please in here and take all kinds of chances, this is run the same as the old time dumps and is nothing but a hangout for pimps and prostitutes.²⁸⁸

Generally, these arrangements were less overt and direct, though no less dangerous for it from the COF's perspective. In some cases, a proprietor knew a place or

put his hands under the woman's clothes, also kept kissing her and then put his hands inside of her waist and kept squeasing [*sic*] her busts, the bartender was in the room several times and saw the man having his hands in the woman's waist but did not protest. I was served in the rear room. Saw no other white people here, none of the women tried to make me." Report of David Oppenheim on the Cornell Cafe, March 16, 1917, File: "1917 #6," Box 32, C14.

²⁸⁸ Report of David Oppenheim on Bobby Moore's, February 10, 1917, File: "1917 #5," Box 32, C14.

two where prostitutes could be found, and would send the occasional male customer their way, provided the man appeared to be trustworthy. Other violators were simply proprietors who allowed their places be hangouts for professional prostitutes and “loose” women willing to engage sporadically in ad hoc forms of sexual barter. Tellingly, one of the standardized investigation forms used by some of the COF’s investigators in 1917 had a line that read “Is locality frequented by undesirable men or women?” On this line investigators would write in a quick description of the types of disorderly individuals present in a place—things like “Street walkers, corner loafers and crooks.”²⁸⁹ The perceived quality of persons in a place was a mark of how well it was run. In this case, the COF investigator, Oppenheim, had good reason to claim that the place in question—Duffy Bros. saloon, located at 118 Seventh Ave., on the Northwest corner 17th St.—was a hangout for criminals. His account the evening he spent at this place discloses the extent to which such establishments could be gathering points for dangerous, violent individuals and cold-blooded gangsters, and not simply places where a man could locate a prostitute on the cheap. It is worth quoting the investigation report at length, since it is one of the more interesting and revealing episodes among the thousands of such reports I have examined in the COF’s archive. Not only did the evening turn violent—indeed, Oppenheim, after getting on the good side of some of the men present in the place, witnessed them commit a brutal, racist hate crime just outside. The assault was interrupted only after Oppenheim alerted a nearby cop, who upon catching the assailants

²⁸⁹ Report of David Oppenheim on Duffy Brothers’ saloon, May 7, 1917, File: “1917 #7,” Box 32, C14 (hereafter “Oppenheim, Duffy Brothers’, C14”).

chose to thrash them with his baton instead of arresting them. The saloon's proprietor also appeared to have completely lost control of conditions in his own establishment, such that a few rough customers were essentially dictating when the place could close down and whom should be permitted inside at what time of night:

This place appears to be conducted in an unlawful and disorderly manner. The rear room is a hangout for escorted and unescorted prostitutes. The bar room is patronized by ex-convicts and loafers. The men were under the influence of liquor and were being served while in that condition, were also using vile and profane language. The don't serve unaccompanied men in the rear room, but some of these men went into the backroom and mixed with the women there. I came back here about 12:45 a.m. the lights in the barroom were out, as I got to the side entrance 2 men and 2 women that I had seen in here before came out and stopped to talk in the hallway. I overheard some of the men saying he would be over as soon as he could get some sugar. I asked this fellow whether they were closed up already, he said they are just closing up, he knocked at the door and the bartender opened the door and was going to admit him but wanted to bar me, he shoved the bartender aside and said that's a friend of mine, the bartender still stood in my way, there were 3 men in the rear room, friends of this man that was with me, they got up and got a hold of the bartender and swore at him and called him a Son of a B— and other choice names and asked him what he meant by barring their friends, they pushed him away from the door and admitted me, they then told him to bring me my order in a hurry if he didn't want to get done up. It seems that they had him bulldozed. I got very friendly with these men and I told them that I was looking for a girl, Shorty, the man that took me in said he had a nice girl living on 8th Ave and she would treat me nice, I asked him for the address but he wouldn't give it to me, he said we would all go there together. I noticed these men feeling my pockets every now and then and suspected that they wanted to get me somewheres [*sic*] so that they could hold me up. I started in telling them that I just came out of the workhouse and that I had done a 6 months bit for going through some guys pockets, I told them I was all in and didn't have much with me, just enough for a couple of drinks and woman, and that after I got rid of that I'd have to go out looking for some more money but that I had to be careful as I was on parole. They got very friendly after that and one of them, they called him Skinny, told me he just did 2 yrs and 10 months and was just over his parole and wasn't afraid, they asked me I had a knife with me, and said we would go out and see if we couldn't stuck up a few n*****s. I wasn't afraid of them any more and asked them to steer me to the woman first and that we would go out for a stick up later, they all agreed and we left the saloon, about 1:15, the boss then closed up, we stopped in front of the door to talk for a minute and blk [*sic*] man partly intoxicated passed us on 17th St between 7th and 8th Ave. Skinny hit this guy

over the head and... the 4 of them got around him and started to go through his pockets, one of them told the n***** if he opened his mouth they would run a knife through him, the n***** was scared and was as quiet as he could be, they couldn't seem to find any money on him and kicked him and let him go, as he started to, they heard some loose change jingling and ran after him and stopped him again about 10 houses from the corner. One of them shouted to me to watch out around the corner for the cops and they all got around the n*****. I ducked around the corner and saw officer #5257 on 7th Ave between 16th & 17th St. I told him 4 white guys were sticking up a n*****, he ducked around the corner and they saw him and started to run, he pulled his gun and threatened to shoot them if they didn't all line up against the stoop, after he had them all lined up he asked the n***** what they took on him, the n***** said he don't have anything for them to take. The cop then beat the 4 of them up with his club and then let them go. I afterwards asked him why he didn't lock them up, I told him it would have been some credit for an officer to bring in 4 men, he said yes but the case wouldn't hold up in court because the n***** and they would throw it out. I told him these men all had a record, he said he knows them all and knows they all have a record, they have all done time but they wont be able to use their arms for weeks and they got enough, he said he walloped the 4 of them on their shoulders as hard as he could with his club and is sure they will not be able to use it for a week at least and that is better than taking them to court and having their case turned out. If it wasn't for this hold up I'd probably have steered to some woman's house... This will give you some idea of the sort of people that hang out in Duffy's saloon.²⁹⁰

As this report suggests, in the COF's reckoning, over-competition ensured that certain liquor-selling establishments like Duffy's were simply unable to turn a profit were they to bar disreputable customers, regardless of their proprietors' possible well-meaning intentions. Such businesses it kept under close watch. The Park View Hotel, 2137/2139 Boston Road, was another such establishment in the COF's eyes. According to COF investigator David Oppenheim, who visited the Hotel several times in early 1917, the place's operator, a man by the name of Harvey, seemed to be "trying to keep this place right." But Oppenheim was skeptical that he'd "ever be able to do it," as there was "too

²⁹⁰ Censorship mine, Oppenheim, Duffy Brothers', C14.

much of that tough crowd” coming in the place, both because of its location and because, in Oppenheim’s view at least, this disreputable crowd of customers were essential to Harvey’s business:

he’ll never be able to make this place pay as that is the only trade they can draw up here, the conditions in this place are much better than they were but I don’t think they will ever be right. The Casino and this place are too near to one another, they don’t let the unescorted women in here but the men run across the street and pick the women up in there and then bring them here and sit around drinking with them till they get them in the right condition, then either steer them to a hotel or else to a hallway.²⁹¹

When Oppenheim returned some months later, conditions were “just as usual,” the crowd inside the place being, in the investigator’s account, “a very noisy and intoxicated bunch, both men and women under the influence of liquor,” with some of the women appearing to be underage.²⁹² Some couples were “kissing and hugging” unmolested by Harvey, while “men took escorted women from different tables and danced with them then joined them at their tables after the dance” in scandalous contravention of the COF’s strict expectations. Also, there was a man by the name of Chris Traynor, a would-be proprietor who had recently run afoul of the COF and was bitter about the exchange:

There appeared to be more prostitutes in here than usual. (I counted 10 that seemed to be prostitutes). I got pretty friendly with Chris Traynor.... He said [he] was going to open the Village Inn but the [COF] wouldn’t stand for it, he told me the brewer offered him \$1000.00 to open the Village Inn because he had a following and he went to the [COF] but they wouldn’t let him run a cabaret there,

²⁹¹ Report of David Oppenheim on the Park View Hotel, January 21, 1917, File: “1917 #3,” Box 32, C14.

²⁹² Report of David Oppenheim on the Park View Hotel, March 8, 1917, File: “1917 #3,” Box 32, C14.

just a straight saloon, but he couldn't make it pay unless they run the cabaret. I said if the brewer was so anxious to put you in there wasn't they strong enough to do it without the comm[ittee], he said the Mayor wasn't even strong enough, he told me he was up and spoke to the mayor for 15 minutes and he couldn't do any thing for him, he also saw the leader (either Arthur or Charlie Murphy) and he couldn't do any thing for him and he called Murphy a rat and told him he was a Son of a B—and a dog and other choice names. Harvey seems to be just as bad as usual, I don't think there will ever be any improvement in here as long as they will be running the cabaret and catering to the class of the people that comes in here now.

In addition to the practice of permitting a certain “bad” class of people, the sale of alcohol after legally determined hours of operation was another of the more regular offenses remarked upon by the COF. The COF saw the task of limiting the hours during which alcohol sales could take place as the baseline for its work. For our purposes, it may be useful to think of the COF's desire to limit these hours as roughly analogous to the aspirations of the nineteenth-century English factory inspectors to limit the hours of the working day imposed on individual workers by the industrial manufacturers.²⁹³ Indeed, we might even say that the COF's attempts to limit the business hours of drinking establishments constituted efforts to limit the production of *absolute* surplus value, even

²⁹³ For Marx, absolute surplus-value production is increased by lengthening the working day, or to be more precise by lengthening the total period of time during which a single labor power is consumed in daily production. Speed-up of the worker's movements can also generate absolute surplus-value. Relative surplus-value, by contrast, is an amount of excess value resulting from productivity gains introduced by organizational and technological innovations. This form of surplus-value is *relative* because the capitalist can sell products at a price just below the social average but still attain a higher rate of profit. Value is a social average, and the value of a commodity can only be expressed in another commodity—value is therefore always a relation between commodities. It is only when a commodity makes it to the market, after money has changed hands, that the labor-time expended in it can be factored into the calculation which determines this social average. Heinrich 2012, 149. Hence, Marx's is a *monetary* value theory that emphasizes production *and* exchange. See Bellofiore 2018.

as the comparison is muddied by the fact that the COF were ultimately more immediately concerned with the perceived negative effects that all-night alcohol sales had on final consumers than they were concerned with limiting the exhaustion and overwork of the commercial and productive workers employed in the city's commercial drinking operations. And much as was the case with the factory owners, proprietors found all sorts of mechanisms for exceeding these "absolute" temporal barriers, and for evading detection in the process.

While this was not the most serious or spectacular of disorderly economic practices, repeated or blatant flaunting of these hourly limits could land a place on the blacklist. Typically, places could not serve alcoholic beverages between one and five in the morning, though these hours varied depending on the type of license it held. From 1917 on, though, an increasingly large number of cabarets managed to attain club licenses which allowed them to stay open all night long, so long as those present were club members. This turned the whole game upside down for those like the COF who were concerned with placing absolute limits on the hours during which drinking and entertainment places could sell intoxicating substances, and it made the work of policing social relations within the city's nightlife landscape even more complicated and expensive.

As mentioned previously, the COF saw "race-mixing" as a threat to social order (Fronc 2006). Though New York State in theory had strong anti-segregation provisions, in practice the city's drinking and amusement places were governed by de facto segregation, particularly as the city's Black population began to grow at a faster rate in

the 'teens and twenties. This situation in the leisure sphere reflected broader race-based divisions which punctuated Progressive-era New York City, including marked inequities in access to healthcare and housing, employment options, wage rates, and, for the city's Black bourgeoisie, business opportunities. Establishments which catered to both white and Black patrons of the working class were treated by the COF as potentially potent breeding grounds for "disorder" and "vice," places where the moral and sexual welfare of workers was necessarily tested by unnatural and dangerous interracial socializing.²⁹⁴ It is

²⁹⁴ Marshall's Hotel was one of the few major black-owned drinking and entertainment sports in the city. It was eventually placed on the COF's blacklist until its proprietor agreed not to serve white customers. The COF conducted several investigations of this place before taking action against it, including at least once in March 1910. That report is highly revealing because it highlights what the COF perceived to be the danger involved in such a place, where the de facto social (and, more to the point, sexual) boundaries between white women and Afro-American men were cast aside: "Early Thursday morning, 2:30 A. M., I arrived at Marshall's Hotel [129 West 23rd Street], and seated myself at one of the tables at rear end of east side of dining room quite close to the piano, where I could get a good view of everything.... The place was fairly well filled with both white and colored people. In the west dining room at one of the centre tables sat a party of white people—two couples—drinking. Finally, the two white men left and the girls joined their colored men [friends]. Helen Russell (white) joined her friend John Europe (colored) at supper; and her girl friend and Joe Weatherly dined together. After eating, they sat and drank. By and by, the girls began singing very low songs, among them the lines of one: 'There'll come a time when a whore won't need no man lordy, lordy etc.' At another table sat Dr. Marshall with a white girl named Roberts and William George with his white girl known as 'May'. They had been sitting there drinking champagne—also Charles Wilson. Finally, this party began singing very loud. Then all the women tried to see who could do the biggest stunt. They stood and kicked high above each other's heads to see who could reach the highest mark.... They raised their skirts so high, their person could be seen, and danced to that low song mentioned. May put her foot upon William George's shoulder. Then the Roberts woman put her legs around Dr. Marshall's neck. They sat in the men's laps; after a while Freda joined Fred Jackson, her man; they dined together and drank, then got up and all hands started dancing; the motions they went through were outrageous. Ira Horrington told me he was expecting this woman, Evaline Clark (white) to come in at any time. Freda and Evaline are both prostitutes. This hotel is a meeting place for white women and their colored lovers." Report on Marshall's Hotel, no author, March 17, 1910, File: "1910-12," Box 28, C14. The way that the investigator

safe to say that racism was both a core cause and an effect of the COF's segregationist work, even as some of the senior staff of the COF like Frederick Whitin did not perceive this work to be violent or racist. Indeed, the COF was like many Progressives who favored Jim Crow over integration in that it believed itself to be a sort of paternalistic defender of the long-term interests of Black people and an enlightened manager of working-class "race relations."

parenthetically indicates the perceived race of the individuals surveilled in the place is instructive and discloses the extent to which the appearances of the individuals factored into the COF's calculus when determining what kinds of interactions were disorderly. In May of 1917, David Oppenheim visited Bryant Hall, 725 Sixth Avenue. His report of the place contains reveals a deep-rooted anti-Black bias on Oppenheim's part. More importantly, it reveals the extent to which the COF remained interested in watching over those places which did not strictly enforce Jim Crow: "A noisy and intoxicated crowd of n*****s.... A very noisy, disorderly and intoxicated crowd of black and white prostitutes, pimps, gamblers, and hustlers. The majority of them were more or less under the influence of liquor and were carrying on in a very disorderly manner, soliciting openly.... Street walkers, pimps and gamblers.... This dance hall is being conducted in an unlawful and disorderly manner. There was a dance here tonight run by a colored man named Dupree, admission 25¢. The dance was patronized by the lowest class of black people. They had a 7 pc. orchestra, about 350 people, it was impossible to separate the escorted from the unescorted women.... There was about 200 women and 150 men, about 10 white women and 15 white men amongst them, the balance were all blacks. The crowd was very disorderly, hugging, kissing, the majority of the women and men were under the influence of liquor, the women were raising their skirts and exposing their limbs.... Both sexes mingled with one another, some of the women were smoking cigarettes. I also saw several white men get next to black women and also saw white women sitting with black men, were hugging and kissing them." Censorship mine, report of David Oppenheim on Bryant Hall, May 1, 1917, File: "1917 #4," Box 32, C14. That Oppenheim paid careful attention not just to contacts observed between "the sexes," but *especially* to those between white and Black patrons, perfectly reflects the COF's (unstated) moral concern that social relations in drinking establishments across the "color line" led inevitably to dangerous interracial *sexual* contact— "miscegenation"—and could thus not be tolerated if a place wanted to maintain a good reputation and evade the COF's attention.

Any place that admitted, employed, or otherwise profited from apparently homosexual individuals was “bad” in the COF’s eyes. As the anecdote featuring the good Doctor Senesac above demonstrates, the COF viewed homosexuality as a sin and a crime against society, and regarded homosexuals as dangerous, abnormal “moral perverts” and “degenerates.” Tellingly, in the notes to his trip to Berlin in 1925, Whitin explains that his “special interest in Berlin conditions was due to reports of homosexuality.” Having been told by the Berlin police “that cards [had] been issued to fifty homo-sexuals to wear women’s clothing,” Whitin was taken to several clubs where he observed and socialized with individuals whom he—possibly incorrectly—assumed to be men, “in evening attire” and “dressed as women of rather lowly station.” Of these gender-bending individuals Whitin comments in his notes that “no one would have known [from] their remarks their sex or character.” At one of these clubs, Whitin notes that he was hit on by a young man “in men’s clothes” who, “through the interpreter, as the party was leaving,” asked “whether the American gentleman [Whitin] was not going to get a room with him.”²⁹⁵ In a 1926 letter written just a few months before his death, Whitin both reflected back on this trip and described the efforts of he and others affiliated with the Social Hygiene movement in the months of military demobilization that followed the First World War to develop an apparatus to study and combat the apparent emergence of the “problem of sex perversion”:

During the days of demobilization, my attention was attracted to the increasing number of arrests by the police in New York of male perverts - the number increased from less than 100 to more than 700 in four years. I made something of

²⁹⁵ Frederick H. Whitin, “Berlin,” File: “Whitin’s European Trip,” Box 82, C14.

a study, statistically, of these cases. This I presented to Dr. Salmon, then associated with the Mental Hygiene Society, and to a police surgeon, Dr. Lahey. Also, to Dr. Katharine B. Davis of the Bureau of Social Hygiene. It was arranged that I should interview the magistrates presiding in the courts wherein these cases were tried, and arrange that those convicted should, in every case, be remanded for investigation by the three days that the defendant should be examined by a psychiatrist, and that the report of his mental condition should be before the judge when arraigned for sentence.... Dr. Davis agreed to secure the funds necessary for the clerical work necessitated by this additional examination, but unfortunately, at that time Mayor Hylan was publicly declaring that he would accept no assistance for the city from outside sources, particularly Mr. Rockefeller, and it was from him that Dr. Davis was to secure the funds promised. As a result, nothing was done.... Then followed certain police changes, with the result that the number of perversion cases dropped materially. They increased again last spring, so that there were approximately 350 in the first six months of 1925. There was a drop again in the fall, but with the recent shifting of the police, there has been an increase of these cases, and as soon as I have an opportunity, I will again present the problem to Dr. Davis and the others, for the pendulum has swung the other way and the co-operation of Mayor Walker will not be difficult to secure.... I spent ten weeks in Europe this summer, observing conditions of commercialized prostitution. I had no time in Paris to observe the status of the sex pervert, but gave it special attention in Berlin, which has long been notorious for such conditions. I found that the police had issued cards to at least fifty male homosexuals to wear women's clothing. I saw at least a dozen of these individuals and others wearing normal clothing – it was estimated that there were at least 400 in Berlin. I found that the attitude there was that they were not abnormal, only exceptional, and that they accepted this form of sex gratification as they did the inscribed prostitute. I also discussed the subject with Havelock Ellis when I saw him in London, but got no special suggestions that would assist us.... Personally, I am quite reluctant to undertake the instigation and direction of such a study. I found myself, when in Berlin, extremely impatient of these individuals, and yet I know that historically the problem is almost as old as prostitution and existed, particularly, in Greece and Rome. I hope that I can find some psychologist with the proper approach to the problem.... The increased number of perversion cases, following the war, was ascribed in part, at least, to the experiences of the boys who went overseas, and the decrease in 1923/24 to the wearing out of the effects of their experiences, but unfortunately, we again have an increase.²⁹⁶

²⁹⁶ Frederick H. Whitin to Whitcomb H. Allen, 8 February 1926, File: "A (general)," Box 9, C14. Beyond its many protracted battles with the excise commissioner's office, the COF notably also engaged in many other public conflicts with city officials over its career. These conflicts reflect the usual circumstances of capitalist class struggle, wherein various factions of bourgeois civil society clash with and broker for influence over

Several notable things can be detected in this letter. We learn that Whitin produced a study on homosexuality; that he shared his findings with medical authorities and police officials; that, along with Davis, the COF had hoped to exploit the repressive atmosphere of the demobilization period to erect a scheme for systematic investigation of “the problem” by law enforcement and psychiatric experts; that Mayor Hylan’s outspoken resistance to Rockefeller influence played a decisive role in preventing this

representatives of the state who operate in the established institutions of liberal government. In its report for the year of 1917, published in March 1918, the COF charged the police administration of the recently unseated “Boy” Mayor John Purroy Mitchel with tolerating the “pseudo-club” and thus bringing on a “new phase of the social evil” characterized by the “cabaret prostitute,” who used the dance floor as a space to meet clients and arrange dates. “Vice Committee Assails Mitchel Administration,” *New York Tribune*, March 11, 1918, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1918-03-11/ed-1/seq-14/>. These published criticisms immediately provoked rebuke from the new Mayor, John Francis Hylan, who recommended the COF “investigate itself and revise its membership.” In October that year, Hylan wrote a letter to his District Attorney asking him to discontinue the practice of conducting anti-vice raids alongside the COF, a practice he characterized as an attempt by the COF to gain “cheap, despicable notoriety for itself” in the short window of time before the coming of prohibition and the fall of the saloon, after which point “Whitin... will have to seek a new job.” “Calls Swann Raid Cheap,” *New York Times*, October 27, 1918, <https://nyti.ms/3raUAWj>; see also “Hylan Asked Swann to Curb Vice Raiders,” *New York Tribune*, October 27, 1918, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1918-10-27/ed-1/seq-11/>. Around the time of his reelection, Hylan ordered the Commissioner of Accounts to investigate the COF’s methods and accounts, even though as an independent organization that received no financial support from the city it was not technically compelled to produce these records upon request; Committee of Fourteen 1926, 18. These comments came after John P. Peters publicly denounced Hylan during the election, saying his “associations” were “low,” and that he was “the sort of man who as Mayor is the most dangerous of all—low, common, easily led.” Peters, quoted in “Peters for Mitchel,” *Sun* (New York City), November 5, 1917, <https://chroniclingamerica.loc.gov/lccn/sn83030431/1917-11-05/ed-1/seq-4/>. The COF’s report for 1919 additionally criticized Hylan for his lack of cooperativeness. “Vice Report Assails Hylan for Lack of Police Help,” *New-York Tribune*, April 5, 1920, <https://chroniclingamerica.loc.gov/lccn/sn83030214/1920-04-05/ed-1/seq-5/>. See also “Police Escort and Jim Smith Clash,” *Sun* (New York City), October 28, 1918, <https://chroniclingamerica.loc.gov/lccn/sn83030431/1918-10-28/ed-1/seq-12/>.

plan from coming to fruition; and that Whitin discussed the issue with noted sexologist Havelock Ellis and, find it to be unhelpful, was still searching for a psychologist who had what he prejudged to be “the proper approach” up until the moment of his death.

Ironically, Whitin and the COF generally pursued their steadfastly homophobic positions even as at least one of the COF’s most prominent former members, the influential suffragist, co-founder of the National Urban League, and chief investigator of the Bureau of Industries and Immigration in the State of New York, Frances A. Kellor—who had been among the three members of the research sub-committee to author *The Social Evil in New York City* (1910) and was one of six original COF members to remain after the group’s incorporation in 1907—was a lesbian who lived with her partner, Mary Dreier, from 1905 until Kellor’s death in 1952 (Faderman 1999, 136–53; Press 2016).²⁹⁷

In the summer of 1924, the police started targeting establishments catering to “fairies” and “lady lovers” in the Village heavily.²⁹⁸ The Village was at the time the thriving core of the city’s lesbian, gay, and free love nightlife scene. One place, a restaurant owned by two men which was originally located in the Village but moved up Sixth Avenue to avoid police attention, was referred to in one account as “the ‘headquarters for every well-known Lesbian and Queen in town,’” where customers “felt

²⁹⁷ While Kellor’s exact moment of entry into the COF is unknown, since the first published list of members came only in 1907, we do know she was not among the first group of fourteen members, as Mary K. Simkhovitch, founder of Greenwich House, was the only original female member. Peters 1918, 361. Kellor’s COF membership ended with the group’s reorganization in 1912, at which time she went on to author the Progressive Party platform as part of Teddy Roosevelt’s ill-fated third presidential bid.

²⁹⁸ “‘Village’ Frowns on Evil,” *New York Times*, June 8, 1924, <https://nyti.ms/3lIDKRD>.

no need to hide their homosexuality,” and “were joined by numerous stage and screen celebrities, opera divas, and underworld figures” (Chauncey 1994, 239–240). The place was closed in 1927 after it gained a reputation as a gay rendezvous—perhaps because of the COF’s handiwork, according to Chauncey.

Drinking and entertainment places licensed to permit dancing were expected to pay for supervision of the dance floor. Floor managers were employed to ensure patrons were not engaged in obscene forms of dance, and the relative level of vigilance demonstrated by these individuals was often an object of commentary in the COF’s inspection reports.

The job of the floor manager was not just to keep the dancing restricted to respectable steps, but also to prevent couples from changing partners. This ensured there was no chance for professional prostitutes to move from man to man on the dance floor in order clandestinely “date them up.” The COF sometimes sent investigators to these events to make sure the proper resources were allocated to supervision.²⁹⁹ Failure to

²⁹⁹ An excerpt from an undated report (ca. 1913) penned by Committee investigator Natalie Sonnichsen is instructive of the COF’s approach to places that allowed dancing: “The music was of the ‘Everybody’s Doing It’ style, and the dancing was as bad as it could be. Everyone danced the ‘N*****.’ The girl singer connected with the place often danced with different men. On one occasion she pressed her partner against one of the posts in the room and kept him there for quite a while. Two men, probably outsiders, amplified the program. The girl singer danced to her songs a houli-houli type of dance which delighted the audience. This girl received money from men in the audience. I saw her take out from her stocking a thick roll of bills, add one more bill and carefully put them back in her stocking. She sat down and talked with different men— more often with those wearing soft shirts. She amused one of the girls by taking away her ‘Jack’ whereupon Jack became agitated and after a sharp discussion left the new girl and turned towards the singer. Then something happened— the singer struck him and grabbed some bills which he was holding. They were quickly separated; the man went away, while the girl added the money to her stocking bank.... Three women came in together and

watch over the character of the dance floor was perceived as an open invitation to immorality and a boon to the agents of the sex trade. For instance, When Committee investigator Natalie Sonnichsen, accompanied by a Mr. Veness, went to assess conditions at the Arbor Casino on October 16, 1912, she noted that the floor manager failed to prevent the fifty or so couples present from dancing however they pleased:

There was a good deal of half time dancing ... dipping and considerable spieling. No attempt was made to stop anything. One man tried something more risqué, and as the floor was very slippery he fell twice.... Drinking went on up in the gallery and at a few tables down on the dance floor. Upstairs there was a good deal of

occupied a front table. They drank and their behavior was loud and vulgar. They danced. I watched one of them go out three times with different men and return alone. One girl was from West 25th St., a 'Frencher' [performer of oral sex] according to the statement made by a man who knew her well.... Men would nod to a woman across the room asking for a dance. My impression was that the dancing was the opportunity for making appointments with the women. One was a young man of about 20; he travels and comes down to the [Mandarin] Club as soon as he arrives in New York; another was an ex-cafe singer, working a little as a salesman in some store. He was 'breaking-in' a youth—a nice looking boy of about 18 years, who was drunk and excited, hardly daring to look or speak to a woman. It was his first experience.... The waiters came around at intervals and practically forced one to order more drinks.... The circulation of people was rapid. Groups of men would go out and others come in. The later it was the more women drifted in with escorts.... It was about 3 A. M. that one of the managers went to the tables telling us to drink up our drinks quickly. The empty glasses were rapidly taken away by the waiters and we all sat around empty tables. The police were coming, one of them told me. We waited for about 15 minutes, but as no one came we decided to go away. Outside the street was deserted except for one officer standing before the alley leading to the club.”

Censorship mine, report of Natalie [D.] Sonnichsen, accompanied by James A. Seaman, report on the Mandarin Club, no date (ca. 1913), File: “1913,” Box 28, C14. There is much to unpack here, but for my purposes here I will emphasize three things. First, unsupervised dancing was not only viewed as a bad in and of itself because it brought people into proximity in a scandalous way, but also because of what it made possible, i.e., private transactions between customers and sex workers. Second, performers were held up as representatives of the character of an establishment and the quality of its management. And third, such dances were special concerns from the perspective of reformers because they were viewed as potential threats to youths’ moral welfare. On progressive-era moral reform as it pertains to dance styles, see Wagner 1997, 236–319; Walkowitz 2010.

drinking and several of the men kissed their companions without restraint. After remaining in the dance hall a little over one hour we went straight down to the Rathskeller. It was crowded. Everybody was drinking. I noticed that as the time passed the dancing changed and almost everybody was dancing the half time steps. A man whom I had seen the other two times I had been there was present. I thought that I recognized quite a few of the girls who sat with one man and danced with another.... It was quite late when a woman in a short skirt which reached just below her knees gave an exhibition dance with a very much younger man. They danced half time, pirouetted and he finally swung her around as she clung to his neck.³⁰⁰

The failure of the Arbor's management to intervene when revelers in the dance hall upstairs danced too wildly—dipping, using unsanctioned steps, and “spieling” —or kissed one another openly, as well as its failure to stop couples in the basement cabaret from changing partners, drinking to excess, or being entertained by a bawdy exhibition made all the more disorderly in Sonnichsen's eyes by the fact that the performers were dissimilar in age—all these failures were failures of supervision, and together they indicated that the place was run in a disorderly way. If such activities could take place, the establishment was considered to be holding the door open for vice and immorality in order to profit from them, albeit indirectly. The COF reckoned that without its

³⁰⁰ Censorship mine, report of Natalie D. Sonnichsen, October 16, 1912, File: “Invest. Rep 1912,” Box 28, C14. When Sonnichsen returned with Veness to the Arbor Casino a little over a week later, conditions had changed very little, with the exception that the Rathskeller on the bottom floor of the place was hosting a cabaret show: “Besides the men singers, whom I had seen before, one woman sang. Later in the evening a woman sitting at one of the tables also went on the floor and sang ‘La Parisienne’ with very exaggerated gestures and quite a few unnecessary hip movements. She made a vulgar impression.” While Sonnichsen noted approvingly that the floor manager would not let couples dance together unless they had come in with one another, she also remarked that the “dancing was not without reproach”: “One couple held on to each other in a perfectly indecent way. There was half time dancing, and even the shivers was danced by one couple.” Report of Natalie D. Sonnichsen, October 25, 1912, File: “Invest. Rep 1912,” Box 28, C14.

interventions such places would continue to tolerate such activities, particularly since they drove up sales and helped a place draw crowds of pleasure seekers by permitting a wider latitude of behaviors than some of their more obsequious competitors.

The COF also surveilled rental transactions of various sorts. I will focus on one which was particularly important: hotel room rentals. Hotel rooms were effectively restricted commodities, even as they were not purchased outright but rather rented only temporarily and provisionally by final consumers.

In the period after the parlor houses and openly run red-light districts were all but driven out of existence, that is after 1912 or so, one of the ways the COF watched over commercial sexual vice in New York was to infiltrate hotels and probe for moral and legal infractions. As the price of a hotel room gradually became a normal part of the costs a potential “customer” would have to pay if he wished to purchase commercial sexual services, the COF and its allies stepped up their surveillance of hotels. Clerks were required by law to reject unmarried couples, persons of apparently low character, and those who tried to rent a room without any baggage in their possession. The theory was that couples without baggage overwhelmingly wanted a hotel room for a single purpose: it offered a secluded space for sex, especially sex for money. The COF surveilled hotels to ensure they followed the correct protocols when deciding whether or not to rent rooms to couples. This simple barrier was often hard to enforce. Even if arrests were made it was rare for hotel owners or employees to be brought up on serious charges. Besides, sex workers found ways to get around the requirement. For instance, they would direct

customers to stores where cheap baggage could be obtained before heading to a hotel to complete the transaction.

One curious practice the COF's investigators engaged in was to inscribe the marks CXIV on various surfaces in hotel rooms after being admitted without baggage.³⁰¹ Since this would not stand up as evidence of anything in court, I can only presume this practice was meant to alert hotel managers that their activities were under the COF's watch, to put some fear into disorderly hotels actively ignoring the basic legal safeguards it wanted enforced. But this practice also speaks to the somewhat pathetic state of affairs that sometimes characterized the COF's police work. It could cooperate with the police to make arrests of individuals violating the law within hotels, and sometimes could successfully get cases brought against workers at "badly run" hotels were acting as pimps, cadets, procurers, madams, or go-betweens. But it was unable to shut down these businesses without significant, protracted police and court involvement. It preferred to act as it did in relation to saloons and other drinking establishments, where it could through its industrial allies at the level of production and distribution could play a more direct role

³⁰¹ In January 1919, for instance, David Oppenheim went to the Rosedale Hotel at 1759 Westchester Ave in the Bronx. He given a pen by the hotel clerk, who erred (in the COF's view) by failing to ask whether the woman with him was his wife or not: "I signed Dan Oppenheim & wife, New York City, didn't want to sign a fictitious name, thought he might asked me for my [registration] or identification card....We mussed up the room and put the marks CXIV on underside of stationary wash stand, also on back of wall mirror, also on back of stuffed bird picture, also on door under the rules and regulation card....May not be catering to professional prostitutes but are admitting questionable women to rooms with men without baggage." Report of David Oppenheim on Rosedale Hotel, January 4, 1919, p. 3, File: "1919 #3," Box 34, C14.

in disciplining businesses without the need to rely on official channels of law enforcement and mechanisms of punishment.

Surveilling the Circuit of Merchant's Capital, Part B: Interest-Bearing Capital

[T]he temptation to immigrants who have no skilled trade and are averse to manual labor, and yet have a little more push and intelligence than the mass of their compatriots, to go into the liquor business in New York, owing to the ease with which licenses are obtained, is very strong But very little capital is required; in fact, hardly any, as credit for liquor is readily obtained from the distillers and brewers by pushing fellows, and the furniture and fixtures of a "rum-hole" involve but little outlay.

—E. L. Godkin [1896] 1897a, 133

The circuit of interest-bearing or money-dealing capital comprised another sphere of economic activities surveilled by the COF's undercover inspectors. Though rent-seeking behaviors have been around for a very long time, and are likely as old as money itself, interest-bearing capital represents a distinct form of motion of money that only develops with the rise of capital itself. It can only come into existence where commodity relations are well developed:

The owner of money who wants to valorize this as interest-bearing capital parts with it to somebody else, puts it into circulation, makes it into a commodity *as capital*; as capital not only for himself but for others. It is not simply capital for the person who alienates it, but it is made over to the other person as capital right from the start, as value that possesses the use-value of creating surplus-value or profit (Marx 1981, 464).

The most important sphere of interest-bearing capital related to the COF's surveillance was that of the bonds and loans which saloonkeepers and other small proprietors needed to obtain in order to run their business. The COF surveilled and tried through various means to limit to whom business interests of various kinds lent credit in the form of loans. Many different agents were involved in these activities. Brewers were

often not only suppliers of alcohol but also suppliers of credit to saloonkeepers. Each time the COF updated the protest list after consulting with the representatives of the Brewers' Board of Trade, it contacted as many enterprises responsible for extending loans and giving bonds to the places determined to be run badly as was possible. The idea was that the creditors would either use their economic power over these establishments to force a change in the management or commercial practices of these places, or, if such an intervention was not plausibly attainable, to cut ties with them entirely by refusing to extend loans until satisfied that circumstances improved.

Since the entity responsible for regulating licensing, the New York Excise Department, was run with revenue maximization as its central purpose, and was endowed with little discretionary authority, the COF developed novel extralegal mechanisms for controlling access to licenses (Peters 1908; Peters 1918). Saloonkeepers typically paid the cost of the bond for their liquor license through credit lines supplied by the brewing companies whose products they sold. If they were unable to secure these loans, most would not be able to cover the cost of the necessary bond, which had to be annually renewed. By cooperating with surety companies—indeed, by coercing surety companies into rejecting applications from businesses on its protest list—the COF could stop proprietors from securing insurance on their bond.

The COF expected brewing companies operating in New York to respect the ratings on its protest list, and, further, to refuse to lend money to saloonkeepers determined to be badly run. Even companies not affiliated with the New York Brewers'

Board of Trade were pressured to bow to the determinations represented on the protest list.³⁰²

Taking Stock

Funded and backed by powerful elite interests, the COF used covert surveillance to assess the social standing of individuals, figure out how particular vice operations worked on a practical level, and, ultimately, condition access to capital within New York's commercial entertainment and leisure sphere. While its ultimate goal was to shape social behaviors in working class establishments, its work in practice involved investigating profit-making activities of various kinds, including those productive of value (e.g., sex work, performance) and those which fell within the realm of commodity exchange (i.e., the sale and purchase of controlled and forbidden commodities). The COF used undercover investigations to determine who could serve what to whom in New York's commercial establishments, and to assess the responsibility of individual rentiers, proprietors, and tenement house owners, and workers—including sex workers and others less directly involved in the trade—found to be profiting from sexual vice.

³⁰² See the response the COF received from the Ferdinand Münch Brewery in August 1909, as an example: "We received your letter of August 23rd with the enclosed list of places in the City of New York, booked as not conducted according [to] the laws.... We thank you for your kindness and ask you that we may have the privilege to have our representative present in the meeting arranged for a final determination, as we are not members of the Brewers Board of Trade.... We are very careful in making loans or giving bonds to Saloonkeepers and of the entire list of places given, we control only four. Two of them we claim are conducted in a straight, upright manner and according to the law in every way and respect. About the other two places we will provide to get all informations required, to answer any charge or any questions raised about the conduct of them." Ferdinand Münch Brewery to the Committee of Fourteen, August 25, 1909, File: "Brewers, 1909–1910," Box 10, C14.

The COF's surveillance activities combined some aspects of the classic inspector ethos with the elite-minded technocratic impulses characteristic of the social hygiene movement and a traditional, moralizing approach to sexuality and the family that was in its inner logic deeply conservative, reactionary, and punitive. Its technocratic outlook was borne of a deep arrogance, and a general sense that morally steadfast reformer types like themselves could, if argued with the knowledge created by the methods of modern social science, avoid the distorting pitfalls of self-serving bias and attain a crystal clear, scientific approach to the social "hygiene" and general welfare of the population. While the COF believed in slow, incremental progress and rejected revolutionary transformations of any kind as impractical goals, there was nevertheless a certain anti-democratic utopian vein flowing through its core: empowered members of civil society could shape the behaviors of the masses and constrict the commercial realm to its liking through cooperation with police, business interests, and other interested parties.

CHAPTER SIX: CONCLUSION

In this dissertation, I have argued that the Committee of Fourteen can best be understood as a sphere of development of techniques, tactics, and technologies for the identification and realization of the collective class interest in matters of social disorder. This common class interest, as we have seen, is not a fixed but a fluctuating value. It does not represent the interests of every individual member of the class—indeed, the COF’s work could alter access to capital and change the value of assets in ways that necessarily implied that some individuals would lose. Rather, the collective interest of the class is the product of a process of negotiation, a process which in the case of discourses and practices of policing disorder pivoted on political questions: Which forms of disorder—social relations, sexual practices, “race relations,” mentalities, identities, attitudes, labor processes, commercial activities—are *significant*, worthy of attention, analysis, and/or intervention? What are the important causal factors *driving* the forms of disorder which social relations, spaces, and labor processes? What limits should be placed on the movements of capital through society, given the implications of unchecked accumulation for the physical and moral welfare of the mass of the population, the stability of the industrial family, the vitality of the “mothers of the race,” and the smooth reproduction of labor-power of a sufficient or “socially necessary” quality and quantity?

To these and other vital questions about social order and disorder every capitalist class formation of a certain level of development and sophistication must perpetually return. To answer them, the class must have recourse to methods of investigation, truth-telling, and enforcement of respectable conduct, that is, the class must find at hand forms of surveillance and theories of physical and social causation looked upon as objective, legitimate, and neutral with respect to the interests of individual factions of the class.

Without such neutral mechanisms for adjudicating social standing and producing objective appraisals of “the truth of” social conditions, individuals’ reputational standings, and commercial behaviors, the class interest with respect to social disorder cannot be coherently assessed or enforced. The COF intervened powerfully in the many-sided struggle over the appropriate methods and frameworks of inquiry for use in the fight for social order. The basis for Whitin’s claims, for example, that entrapment was appropriate in cases of prostitution and that the standards of evidence used by the courts should be lowered dramatically in disorderly house cases, was a functionalist belief that because such techniques were practically necessary to protect society, they should therefore be considered legitimate powers of the state and by extension the state’s partners in civil society.

An implicit through-line in this dissertation is that the COF operated as a kind of manager of managers, a space for the cultivation and utilization of techniques for managing both specific troublesome factions of the capitalist class and wide swathes of the working population. Its work represented an amplification of the disciplinary capacities of the *bourgeois state*, an extension of mechanisms governance and

surveillance, of knowledge production and social control, deeper into the flesh and spirit of the social body. But it also reflected the power wealthy industrialists like John D. Rockefeller, Jr. wielded in being able to fund Progressive reform projects, which could serve as a means to reshape local governance practices and structures, buttress the legitimacy and credibility of law enforcement institutions, cultivate a docile, obedient, and educated workforce disposed to the rapidly changing needs of capital, and generally assert their exclusive biopolitical “right to the city” (Harvey 2012; Purcell 2014). Through funding such projects, members of America’s industrial bourgeoisie influenced the direction of development of the built environment, conditioning the use of urban space and surveilling and disciplining the population in such a way as to secure the long-run interest of the class.

The COF provided a potent institutional space through which the capitalist class *as a whole* came to identify and express its exclusive right to shape social, sexual, cultural, and economic relations according to its own beliefs and values, over and against the interests of both the mass of the working population and those factions of the capitalist class whose conduct was deemed to violate or venture too far beyond the fluctuating margins of propriety. By taking an ecological and/or holistic approach to the COF, one grounded in a Marxian understanding of class as inexorably linked with class struggle, we gain a fuller appreciation of the true value of the COF’s surveillance: its capacity to facilitate the cultivation and/or articulation of the class interest while serving as a socially valid method for launching an impressive array of Progressive interventions

into the shape of American welfare capitalism, reshaping the priorities and governance structures of the bourgeois state in the process.

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