

Imperialism and Industrialism: Legal Protection of Human and Other Resources

Framing Question:	<ul style="list-style-type: none"> ▪ What happens to the structure of power when resources are perceived to be scarce? ▪ How can legal systems promote balance?
Materials:	Optional resource materials are discussed in the Background Information below.
Opening Activity (5 Minutes):	<p>Ask the class:</p> <ul style="list-style-type: none"> ▪ Describe indentured servitude and slavery as the way that many Americans’ ancestors came to this country. ▪ How are indentured servitude and slavery comparable? ▪ How are they different? ▪ What happened when an indentured servant or slave was injured? ▪ Who replaced them? ▪ Did they receive compensation while injured? ▪ Does care count as compensation?
Class Activity (30 Minutes):	<ul style="list-style-type: none"> ▪ Ask whether and why cheap labor is needed, and whether it is ever justified. ▪ Transition into the modern era—do we still have or need cheap labor? For what kinds of jobs? What happens when the laborers get hurt? ▪ Briefly reenact/explain the workers’ compensation process. Set up the situation as follows: A fast food worker was horsing around during work hours. He climbed the awning of the restaurant and fell, breaking his arm. ▪ Ask the students what the worker’s interests are (he still needs a paycheck to cover his rent and other bills but is unable to work and must now navigate a difficult system to get worker’s compensation benefits, i.e. pay for not an injury from working). ▪ Ask the students what the restaurant’s interests are (the restaurant wants the injured worker to sign a contract saying he won’t sue for personal injuries, the employer is frustrated that compensation would be awarded to an irresponsible worker, the employer may have to pay increased insurance rates). ▪ Have a mock worker’s compensation hearing. Chose one student to be the worker and another to be the employer/restaurant. Ask each to present his side based on the class discussion. Ask the class, as the “Administrative Judge,” to decide whether the worker should be compensated and how much he should receive. Should he receive full pay for the entire time he is injured? A portion of his pay for the part of the time he is injured? No pay at all? ▪ Discuss the idea of “compromise”: all are protected to some degree, but not everyone achieves the desired result. ▪ Ask the students if a lawyer or administrative representation

	would be helpful to each party during the hearing. Why or why not?
Closing Activity (5 Minutes):	Encourage critical thinking by asking the class: <ul style="list-style-type: none"> ▪ Would the outcome be different if the worker was more educated or the parties better understood how to navigate the system? ▪ How might the system be improved?
Enrichment Activity (For extended class periods):	No Enrichment Activity is included due to the depth of this lesson.

BACKGROUND INFORMATION - Imperialism and Industrialism: Legal Protection of Human and Other Resources

Looking forward and back

A central theme of this historical period involves the trading of human beings and use of human time and skills as a resource, as seen in the examples of indentured servitude, slavery, and child labor. By examining modern challenges facing young workers in the United States and abroad, this enrichment session will show how these themes continue to the present day. We will consider how workers' rights are partially protected in our legal system, yet balanced against the rights of the employer. This topic also will introduce students to utilitarian elements of law in preparation for their later examination of how exercising individual rights may affect the rights of other people and groups.

Historical Abstract

As imperialist nations expanded their influence around the globe, and work became available in industrial centers with the advent of new technology, human beings were viewed as sources of labor to drive economic growth and to foster the accumulation of land and resources.

Industrialized nations such as England attempted to protect some workers such as children from exploitation by passing and enforcing laws. These historical trends, many of which can be seen in the world today in the context of low wage earners and forced labor, raise questions regarding the role of legal systems in protecting workers' rights while at the same time serving the interests of those who desire human labor to carry out their enterprises.

Historical and Modern Background Information (Extended)

Brief history of forced labor: The transatlantic slave trade, which began in about 1619, marketed human beings as forced laborers in colonial America. Approximately 12 million Africans were shipped to the Americas from the 16th to the 19th centuries, of which about 645,000 were brought to what is now the United States.

It is estimated that one half to two thirds of all immigrants to Colonial America came to this country as indentured servants. From 1600 to 1700, for example, "spirits" in London would round up hungry and thirsty individuals, ply them with food and alcohol, and then entice them into signing away their freedom in a binding contract called an "indenture." Frequently, indentured servants did not survive the harsh passage by ship; most were given only two weeks of very poor rations. In theory, the indentured servant was only selling labor in exchange for certain benefits (usually, a tract of land at the end of the contract period.) In practice, they had few rights, and often became so indebted to their employer that they had to renew their indenture at the end of the appointed term. Many were subjected to corporal punishment, long hours, and inhumane treatment.

During the industrial revolution, a high demand for labor encouraged families to migrate from rural areas to cities to find work. The first textile mills arose in 1769 in the country, but after Watt's steam engine was invented, factory towns and villages began to develop. Poverty required most families to send every able family member to work, leading to a rapid increase in child labor. Children in England, the first country to industrialize, worked 12, 14, and even up to 19 hours a day, with minimal breaks and under harsh conditions. The first laws against child labor were passed in 1833 and 1844 in England, yet child labor remained in England until the 20th century. Modern-day slavery and forced labor: Human trafficking and myriad forms of slavery still exist today. Forced labor remains a global problem, and child labor is far from obsolete.

The International Labour Organization estimates that at least 12.3 million are forced laborers around the world, with 40-50 percent of those laborers being children. Many youth are subjected to the "worst forms of child labor," as defined by the United Nations as "all forms of slavery or similar practices, such as debt bondage, trafficking and forced or compulsory recruitment of children for use in armed conflict; (b) the use of children for prostitution and pornography; (c) the

use of children for illicit activities, such as the production and trafficking of drugs; and (d) all work which is likely to endanger the health, safety or morals of children.” The American Anti-Slavery group reports that 600,000 to 800,000 people are trafficked internationally every year, with 80% of them being women and children. In many countries, humans are bought and sold for as little as the price of medicine, or simply on the promise (whether ultimately fulfilled or not) of food and shelter. A young adult male laborer costs as little as \$40 in Mali. The transport and sale of people is highly profitable to some. Experts estimate that trafficking in women nets \$6 billion per year worldwide. (American Anti-Slavery Group).

The U.S. State Department has released figures showing that at least 700,000, and potentially as many as 4,000,000 million men, women and children were bought, sold, transported and held against their will in slave-like conditions in 2001 around the world. We may believe that slavery or slave-like conditions ended in the United States in 1865, but the American Anti-slavery group reports that trafficking in the US yields \$9 billion each year. On a more local level, many immigrants to Pennsylvania come here furtively in the hope of a better life, but undergo terrible conditions in order to arrive and work for a pittance (less than minimum wage) as undocumented workers, often in agricultural settings or dangerous factories that would compare in some ways to the industrial period.

Resources (primary sources/teaching tools):

Color maps reflecting child labor and forced labor in the modern era are available at: <http://www.antislavery.org/homepage/resources/maps.htm>.

A map showing “hotspots” of modern-day slavery can be found at: http://www.iabolish.org/slavery_today/primer/map.html.

A sample “indenture” involving a servant who was transported to Philadelphia and bound to David Rittenhouse appears at Wikipedia: <http://en.wikipedia.org/wiki/Indentured>.

Copies of posters and forms that are mandatory for Pennsylvania workplaces (covering essential rights with respect to minimum wage, child labor, and on-the-job injuries) are available at: <http://www.dli.state.pa.us/landi/cwp/view.asp?a=125&Q=63528&landiPNavCtr=|1065|#1309&dsftns=3432>.