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a valuable section dealing with Changes in Legislation affecting the Employment of Women and Children, 1908-1915, which records, for example, the passage in a few states of such reform measures as the minimum wage laws, the legislation shortening the hours for women and the prohibition of night work. Was this great and costly investigation as influential as it might have been in securing these pieces of remedial legislation? That is, of course, a question that can not be answered. It must not be overlooked, however, that the New York Factory Investigating Commission has set an entirely new standard of the value of a commission inquiry as a basis for social legislation. Looking at the work of that commission, which so admirably combined the scientific and the practical in its investigations and which supplemented these investigations with recommendations of far-reaching importance and secured a publicity for its findings that is indispensable in securing social legislation, one who had to choose today between investigation by a commission and investigation by a government department might well cast his decision on the side of the commission.

EDITH ABBOTT.

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Law and Order in Industry. By JULIUS HENRY COHEN. (New York: The Macmillan Company. 1916. Pp. xviii, 241; appendixes, 51 pp.)

This is an account of the workings of the so-called Protocol or agreement between the manufacturers' association and the union in the women's cloak and suit industry of New York City. Mr. Cohen was the lawyer of the manufacturers' association during the five years' existence of the protocol and speaks from intimate knowledge of the situation.

Unlike many members of his profession representing the interests of manufacturers, the author expresses his belief in strong unions and collective bargaining and recognizes the unmistakable trend "in the direction of greater industrial democracy" (p. 229). All that, however, must go hand in hand with "law and order in industry" by which he means the observance by each side of self-imposed restrictions of conduct or, as he puts it, by "law of the contract, freely made" (p. 214).

A description of the difficulties besetting the practical work-

ings of institutions created to register the joint will of two antagonistic factors, as encountered in a competitive industry which has taken, perhaps, the longest step in that direction, fills the greater part of the book. The book is written in an easy conversational style of a lawyer who is as facile with his pen as he is eloquent with his tongue and who knows how to impart the dramatic quality to the human aspect of this social and economic problem. But he succumbs to the limitations imposed by his professional association with the case, when stating the issues between labor and the side he has been called upon to represent.

Thus, when he speaks of the clash between the union and the association over the effort of the former to protect its members from discrimination because of their activity in behalf of the union, he befogs the issue by the claim that under the preferential union system "the substitution of one union man for another" (p. 147) is but a "freedom of selection" which "the employer must enjoy to the utmost" (p. 147), because "discipline must be secured and maintained" (p. 134), and because "to turn over to a tribunal general review of the exercise of administrative power is to run industry by tribunals" (p. 147).

In giving this formulation to one of the most bitterly contested points between the two sides, the author has failed to bring out the contention of the union that the unlimited freedom of the employer to substitute one union man for another may be as detrimental to the union as substituting a non-union man for a union member, since not all union men are equally energetic or courageous in maintaining their rights especially since the union is obligated under the protocol to admit everybody to its membership. With the employer in full control of the shop, he has every worker at his mercy, for it is very easy for the employer to avoid the charge of discrimination against an employee on account of union activity by discharging him on the alleged ground of inefficiency or incompetence, which practice, in the absence of a tribunal with power of "general review of the exercise of administrative power," makes service on a price committee "worth a workman's job" to quote the language of a union official. Added to this is the fact that the union, under the protocol, gave up its right to strike as a means of redressing grievances, leaving a review by an impartial tribunal as the sole pro-

tection of the workman against arbitrary discrimination on the part of an employer. Even Mr. Cohen's former clients recognized the justice of this view, when the manufacturers association conceded to the union the right to strike under the agreement terminating the twelve weeks general strike of the summer of 1916 in return for the abolition of the right of review by an impartial tribunal.

The revival of the sweatshop evil, once believed to have been abolished, was the other cause which brought about the downfall of the protocol. The union accused the manufacturers of encouraging the multiplication of contractors and using them as a means of forcing down piece rates among their own employees (while discharging their most loyal members on the price committee on alleged grounds of inefficiency or incompetence) and then using these in turn to still further force down the pay of the contractors. Mr. Cohen emphasizes the employers' theory of the situation which places the burden of responsibility on the more enterprising of the workers who, having saved up a little money, take the initiative in starting a "social" shop (p. 94), so called because all the workers in the shop are his social equals and friends and are "only too ready to accept employment below union standards" (p. 94). He points out, however, that while "each [side] throws responsibility upon the other, both agree upon the fact of the existence of the evil and the prime and pressing necessity for its elimination" (p. 95). Hence his query "why not a joint remedy?"

His answer to this question is probably the most constructive contribution to the solution of the age-long problem of the relations of capital and labor, that the book contains. That in proposing the bold and far-reaching step, the author has not hesitated to follow deliberately in the footsteps of an English socialist and labor leader (J. Ramsey MacDonald) is but another indication of his broad-minded appreciation of the need of meeting new economic forces by new methods.

Briefly stated, the author advocates the creation of a Federal Industrial Commission composed of representatives of employers, the unions, and the public. The commission is to have the power to certify any agreement between employers and employees "voluntarily come to"; and, if such a voluntary agreement is made between a majority of the employers and a majority of

the workers, the commission is to have power to make the terms of the agreement "binding upon all in the industry" (p. 226). This is to guarantee the majority "against the undermining of standards by unscrupulous competitors" (p. 228). As to the constitutionality of such an act, the author believes "the time is coming when this kind of legislation will be upheld."

These views of a lawyer who has prosecuted unions before the courts on behalf of employers and who has given special thought and study to the legal aspect of the labor question, are particularly interesting and encouraging to the economist seeking a constructive solution of the present bewildering chaos produced by the clash of industrial interests.

N. I. STONE.

The Longshoremen. By CHARLES B. BARNES. Russell Sage Foundation. (New York: Survey Associates, Inc. 1915. Pp. xx, 287, illus. \$2.00.)

In England considerable study has been made of the working conditions among dock laborers since the great strike of 1889. In the United States, however, there had been no intensive investigation of this important class of our laboring population before the present work. Mr. Barnes' study, based upon an investigation carried on under the direction of Pauline Goldmark, is confined principally to the longshoremen of New York, Brooklyn, and Hoboken. In the appendixes is found a discussion of certain aspects of the work in Boston, London, Liverpool, and Hamburg.

The longshoremen provide a fruitful subject for inquiry, since here we find a large group of workers suffering under the evils of defective social adjustment. The central problem of the longshoremen and the one which prompted the present investigation is the casual or irregular nature of employment in the occupation. There is a large oversupply of labor, hiring is uncertain and unsystematized, and periods of unemployment alternate with long periods of exhausting work, often lasting thirty or forty hours at a stretch. Deplorable consequences result from this state of affairs. While waiting for work the men are naturally attracted to the saloons; uncertain employment leads to shiftless habits, often in the course of time demoralizing the laborer and unfitting him for regular work. Casual work is