

should govern in the establishment of a retirement system. The entire discussion concerning problems and methods, is lengthy and detailed and will naturally appeal only to the limited group of public and private persons who come into serious contact with employment problems.

There are certain chapters, however, which have a more general appeal. The taxpayer who wonders why government is not highly efficient can read the chapter on "Objects Sought" both with interest and profit. In fact, the statements of this section must be preached energetically, if retirement systems are soon to become a part of our governmental programs. The concluding chapter is of even more value, because in it are so excellently summarized, not only the reasons for a retirement system, but the problems which such systems raise and their solution.

When so many books on government are dealing with generalities or desirable impossibilities, this practical study is most acceptable.

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Municipal Functions. By HERMAN G. JAMES, J.D., Ph.D.
(New York: D. Appleton and Company. 1917. Pp. xi, 369.)

Professor James, author of the most recent addition to the National Municipal League Series, believes that improvements in the form of city government alone cannot provide satisfactory municipal government. Such reforms must be supported by an electorate with "clear notions of what a city should and can be expected to do." Hence this book is presented to the citizens of American cities as a "simple but comprehensive survey of the whole field of municipal endeavor," in order that they may have "standards of accomplishment by which a city government may be measured." The book is also "intended as a text book in college classes in municipal government."

After giving a "brief presentation of the stages through which the sphere of action of the city has passed," from the sixth century B.C. to the twentieth century A.D., the author in the main body of the work, submits the achievements of the city "in the whole range of major activities" to a carefully worked out standard of measurement.

The fundamental standard of measurement which Professor James applies is the "social welfare." In his interpretation of the "social welfare" the author is, on the whole, radically progressive. For example, the standard of measurement for a health program includes a

municipal dairy farm as a possible means for providing pure milk; municipal manufacture and sale of ice as a means of supplying pure and cheap ice; municipal slaughter houses (as in European cities) as a means of guaranteeing a pure meat supply. For education, it includes a curriculum which, in the secondary schools, makes vocational training the chief concern; wide use of school plant for social centers and neighborhood meetings; and municipal movies. For "public morals," it includes the European practice of regulation, or preferably, management by the city of lotteries and gambling, in place of the American unsuccessful attempt at prevention; and public owned and managed dance halls. For "social welfare," it includes the provision by the city of "decent quarters at rents which the working people are able to pay" as a solution of the housing problem, until all wage earners receive a sufficient wage to enable them to rent a sanitary and decent residence (p. 156); municipal assistance in securing for wage earners reasonable hours and adequate wages, first, through standards set by the city in dealing with her own employees, and second, through regulations incorporated in public utility franchises; elimination of unemployment through municipal employment agencies and the construction of public improvements at times of financial depression; working-men's insurance provided by the city; municipal savings banks, pawn shops, dance halls and skating rinks; city medical attendance free or at rates which the poor can pay; and free legal advice.

While outlining the standards for a paternalistic program of municipal activities, in the interest especially of the wage earners, Professor James does not overlook the obligations of that class to the city. For example, in return for reasonable hours and proper compensation, "a high standard of industry on the part of its unskilled employees and . . . a high order of training and ability on the part of its skilled laborers" must be insisted upon (p. 161). He also points out the danger which, in the case of municipally owned utilities, may arise from the illegitimate use of the power of city employees organized for political purposes.

Although the author's viewpoint on the whole is pronouncedly radical, in the discussion of certain methods by which the proposed program of municipal achievements may be best carried out the judgments, recommendations and conclusions of the author are discriminating, well-balanced and at times almost conservative. For example, in the discussion of the regulation of public utilities as a means of securing adequate service at reasonable rates, the public is warned that

"a policy of securing the interests of the public without any regard to the fair demands of the corporations will again defeat its own purpose" (p. 262). Moreover, municipal ownership (ch. x) is not held up as a cure-all for the difficulties of utility regulation, as the trend of the earlier chapters leads one to expect; its advantages and disadvantages are carefully evaluated; and the conclusion is reached that "all public utilities are not to be treated alike." For certain utilities, such as waterworks, "good theaters at low rates," and pawn shops, "municipal ownership is a logical necessity," while for other utilities local conditions should largely determine the policy. All legal and financial difficulties, the author believes, should be removed, however, so that municipal ownership would be "a sword of Damocles suspended over the heads of uncontrollable corporations."

The forty-seven pages devoted to municipal finance—including revenues, debt, budget and accounting—permit only a brief discussion of a few of the more significant aspects of that important field of municipal functions. His observations and conclusions in that field are, however, especially suggestive and thoroughly sound; though they are necessarily too general to be of much value to officers or citizens looking for practical aid. It is highly fitting, after outlining such a comprehensive paternalistic program of municipal activities, to conclude, that "what the financial resources of cities commonly are and how they can be increased becomes . . . the foundation stone for the building of a municipal program." The growing financial burden of the city should be met through improved methods of taxation, including expert assessors and lot and block maps; a larger measure of state aid; wider application of betterment taxes and excess condemnation; and, when efficiency in municipal administration permits, greater revenue from income-producing property. In the case of bond issues, administrative control should be substituted for legislative limitation. Since it is not financially possible "to do everything at once," the author in the closing chapter calls upon the public-spirited citizens to get together on a comprehensive program in which the luxuries—"more showy aspects of city improvement"—give place to the "more obscure phases of social welfare."

While the book is intended to be a guide for public-spirited citizens, the demand of such citizens for concrete examples is almost entirely disregarded. Practical men of affairs, who must be reached if municipal reform is to succeed in America, ask first: "Where and with what success has the proposed measure or policy been tried?" Without

such information they are inclined to give scant attention to the constructive theories of writers in the academic field. The practical value of the work would certainly have been enhanced by supplementing the general principles with concrete examples.

The chapters on "Public Morals" and "Social Welfare" (chs. v and vi) deal largely with controversial subjects. Hence the standards set up by the author will be standards only for those who agree with his viewpoint. Many among those who have the best interest of the city at heart do not believe with the author that Sunday amusements, gambling, drinking, etc., are distinctly local administrative questions to be handled in the light of "the prevailing community opinion." "The fact that our population is made up in good part of people who were brought up under European standards of conduct" (p. 125) will not convince many Americans that there should be no generally recognized American standards of public morals for cities, nor will it lead to the universal approval of the adoption of the "Continental Sunday" for American cities. Moreover, municipal improvement in America, to be permanent, must be based upon American experience under American conditions rather than upon European.

Sins of omission should not be charged up against an author choosing his material from such a vast field. It may be suggested, however, that no standard for the measurement of a public health program is adequate which leaves out of account measures taken to discover and eradicate venereal diseases.

As a guide for municipal citizens, the chief value of the work lies in the timely emphasis upon social amelioration, and in the general survey in a single volume of the whole field of municipal activities. As a textbook for use in college classes its value for the study of any one function is somewhat limited on account of its broad scope and lack of concrete examples. Its value will be greater for classes which have at hand concrete materials (found in municipal reference libraries) by which the principles and theories in the book may be illustrated and tested. Aside, however, from the question of the value of the book as a text, for a society such as the National Municipal League to put its imprint upon a textbook seems, to the reviewer, to be of doubtful propriety.

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American City Progress and the Law. By HOWARD LEE MCBAIN.
(New York: Columbia University Press. 1918. Pp. 269.)

This volume contains the substance of lectures given by Professor McBain during the spring of 1917 at the Cooper Union in New York City. It deals wholly with the law as it now stands in relation to city progress, and is not intended to pass judgment upon what the law ought to be. In that respect it differs from most of the legal discussions which have been incorporated, during the last dozen years, in books relating to city planning and public improvements.

The author presents a clear, interesting and valuable summary of the way in which constitutions and laws sometimes facilitate and at other times obstruct the efforts of city authorities in dealing with such problems as the abatement of the smoke nuisance, the restriction of billboards, the limitation of building heights, zoning, the excess condemnation of land, the public ownership of municipal utilities, and so on. In each case he indicates the extent to which reform movements must reckon with the law, whether they like it or not. This is something which much needed to be done, for reformers are proverbially impatient of legal barriers and many a well-intentioned plan of civic improvement has gone on the rocks in our day by reason of its failure to regard the obvious limits which circumscribe the police power of municipalities. Of all the subordinate units of government in the United States, the city is surrounded by the largest number of legal restrictions. There is no direction in which it can go very far without encountering them. Constitutions, statutes, charters and the common law together form an iron ring around the discretion of the municipal authorities, even where the principle of municipal home rule has been given recognition.

Professor McBain does not touch the practical aspects of the problem which his book presents. To do this would require a far larger volume. But he has cleared the way for anyone who may henceforth venture into the controversial subjects which inevitably connect themselves with his general theme. How far and by what methods may the present legal restrictions upon the cities be removed? Is it desirable that American municipalities should be encouraged by the loosening of the fundamental laws, to embark upon schemes of municipal ownership? What facilities should the law provide for cities which are now eager to launch forth into the field of social reform and reconstruction? The answer to those questions is not for the lawyer