

or Aunts and Mothers, it is." If she were told that eight and a half million women are gainfully employed out of the home in the United States she wouldn't dispute it. It's a matter of course, with her.

Yet, in her heart, despite it all, Norah has unbounded sympathy for Pat. Sure, she knows how he hates store-cooked things. Doesn't she herself, now. But what is there to do, things being what they are? She only prays that little Micky won't go to the hospital again, from eating that store stuff, poison he got out of a tin, the doctors said. She's troubles enough, already.

Patrick and Norah will get along well enough; their sorrows are mainly material: Maurice can make shift, for his are social. It is at Perry's level the pinch comes. Always, the middle class man has been taken care of in his personal and domestic life. He has back of him for generations the idea that household processes go on, systematically and automatically, with a mother, a sister or a wife in command for as long as they can manage to live. In times past, women deserted only by death and then most of them were promptly replaced, as the headstones in our graveyards testify. Women leave their spheres today from choice and economic necessity as well. Perry is confronted with making an entirely new adjustment in home ways. With his heart turned backward and unaware of the future, he is the victim of a changing social order. It seems to him but delicatessens and woman's will.

There are always a few who accept transitions without weeping and vituperation. They may have no scholastic jargon or statistics to quote, and yet be conscious that today they are somehow playing a game that most of us must play, when half the world is in the Elizabethan age and the rest in 1999 A. D., when living is a makeshift between the patriarchal plantation and the dim cooperative future when food, clothing and possibly infants will come in a sealed package.

And after all Perry is no more the victim of circumstance than was the aboriginal hunter. He is cursed with the task of bringing into his walled apartment his share of the canned tongue and chicken wings; but he sits down with the consciousness that he did not have to kill the bird or skin the pig, while the coffee is cooked on a fire no longer dependent on the delicate art of splitting wood. It may even be that he is better off than his grandfather and has a larger share in his home. The Lord of the Manor was lord in appearance only, being chiefly a necessary adjunct to producing and supporting a family. He was an alien beyond the masculine line of sitting room, bedroom and chimney-corner. A delicatessen husband has a greater companionship in marriage than that. At any rate, he is gaining respect, even for a boiled egg, that no amount of theory could inspire.

FLORENCE GUY WOOLSTON.

Mexico's Labor Movement

FOR Mexican labor the Revolution has been like a shifting of the earth's axis which gives Nova Zembla the climate of Florida. The Obregon government is not for one class, but it is more of a labor government than it is anything else. This is why all the attempts against it, whatever their slogans, emanate from the capitalistic interests. None of its predecessors has so heeded the desires of the workers. Labor leaders admit that it gives them as good an opportunity as they could reasonably expect. Its secretary of the treasury, Mr. de la Huerta, during the seven months he was Interim President, settled forty-three strikes and he settled them all in favor of labor.

Why this government is so pro-labor was explained to me by Mr. Cabrera, the brilliant finance minister of Carranza.

In your country the capital is native, while the labor is largely foreign, the result being that labor is weakened. Here it is just the opposite. Our labor is native, while the capital is largely foreign, the result being that capital is weakened. For this reason public opinion and government in Mexico are more sympathetic with labor than in the United States, although, to be sure, our government is sometimes deterred from standing up for labor because of the international complications which may ensue.

Under Diaz, who looked upon most associations of workers as seditious, a labor movement had scarcely more show in Mexico than a Methodist camp meeting would have in Bokhara. But in 1911 three anarchists went about telling the Mexican proletarians that the amelioration of their lot was perfectly simple. Chase away the capitalists and the world will be theirs. Production would be as copious as before, but they could keep all the product. Labor revolted, indeed, and helped put in power a Madero and a Carranza, but the pelado, the "skinned man," remained skinned. Production went to pieces and the people came to want. Disappointed again and again, it was at last borne in upon the working men that mere revolting was not getting them anywhere, so they began to give ear to leaders who told them that the betterment of labor's lot is a matter of patient, long-continued education and organization. Since the Mexican proletariat came to see that their salvation lies in construction rather than in more tearing down, organization has grown like Jonah's gourd.

Small-bore business men shriek that the Mexican labor movement is led by puppets on wires pulled from Moscow. The truth is that it is well-nigh as indigenous as the cactus or the maguey. It responds not to foreign impulsions, but to the situations and needs of the Mexican working class.

It is guided by men unacquainted with European social speculation. No Russian agents have been active in Mexico in recent years. Nor is the movement a creation of intellectuals. It is fomented and guided by genuine workers. While the Central Committee of the Confederacion has organizers in the field all the time, they are not professional organizers but real working men on special duty. In its struggle labor has had no support from the liberal professions, because these were manned exclusively by sons of the propertied.

The leaders of Mexican labor understand very well that their country is far from ready for the "socialization" of her industries. Inquiries in various centres failed to bring to light a single responsible political or labor leader who advocates the dictatorship of the proletariat, or the seizure of the factories by the working men, or the immediate nationalization of industries. "We aim," explained the secretary of the Confederacion, "not to be rid of the capitalists, but to substitute good capitalists for bad ones." Labor chiefs see quite clearly that an uninterrupted inflow of foreign capital is the pulmotor that will resuscitate Mexico economically and that therefore capital must not be frightened away. They look for socialization to begin as soon as bodies of workers become sufficiently experienced, organized and disciplined. to run successfully on the public account, the factories they work in.

Bolshevism has spread somewhat along the lower levels but it is Spaniards, not Russians, who are responsible. In fact, Mexico's social conflicts have been greatly aggravated by the 60,000 or 70,000 Spaniards in her midst. The grasping and cruel hacendados and administradors helped goad the peons into rebellion. The Spanish merchants not only took the utmost advantage of their simple-minded customers, but they were exceedingly cunning and cruel money lenders. Always the first revolutionary act in a town was to chase away the hated gachupines and loot their shops. Now, since the close of the World War, workmen embittered by persecution, have been coming in from Spain and striving to infect Mexican laborers with their own fierce rebellious mood.

Alarmed at the slipping of the Mexican workers from her control, the Church is trying to marshal them into unions, which submit themselves to the authority of the Church, and pledge respect for the "fundamentals of society," i. e. Religion, Country, Family and Property. It is claimed that 200,000 have been enrolled in two years and that new unions are established every week. This Church-managed movement excites the sardonic mirth of men who risked their skins for the exploited workers years before the clergy showed any interest in their lot. Said a Governor: "The organization of workingmen under Catholic auspices is a mere blind set up in the interests of the employers and the Church. Wages will never

be raised by means of these unions." The heads of the Confederacion, who deny that there are more than 120,000 in the Catholic unions, regard them as "an open shop dodge" and expect them to crumble in two or three years.

In Article 123 of the Constitution, Mexican labor has a charter of rights such as no other labor ever had. The article decrees the eight-hour working day; the seven-hour working night; the six-hour day for working children twelve to sixteen; no night work for women and children; one day of rest in seven; a vacation on pay for child-bearing; a living wage; no garnishment of the living wage; enforced profit-sharing; cash wages; double pay for overtime; housing for workingmen; accident compensation; safe and sanitary work places; right to organize; right to strike or shut down; three months' wages for unwarranted dismissal; worker's lien; immunity of wages from attachment; free employment bureaus; no contracting out of workingmen's rights; social insurance; cooperative building associations.

In Mexico fifty cents a day is the going wages for common labor while eighty-five cents is about the maximum, save in the capital. In the judgment of one of our consuls, Mexican labor is getting about 30 percent of what the same labor would get in the United States. Even the representatives of great foreign companies recognize that Mexican labor has been atrociously exploited and that this is one source of the luscious profits that gave Mexico the reputation, throughout the world, of being such a "rich" country. This is why the Constitution declares "In all agricultural, commercial, manufacturing, or mining enterprises the workmen will have a right to share in the profits."

The workman has the right to be indemnified by three months' pay if he has been discharged without just cause, or for being a union man, or for having taken part in a lawful strike. No law has been based on the clause—as is the case with many of the liberal provisions of the new Constitution—and it might not stand in the courts, but it guides the decisions of boards of arbitration. Employers say that in practice they have to pay dismissal wages unless they can show cause for discharge. As a man's fellow will not testify as to his being disobedient or incompetent, it is hard for them to prove just cause. Accordingly employers have become very careful as to the quality of men they hire.

Another conquest which will make the American wage earner rub his eyes is the right to receive wages while on a justified strike. If a board of arbitration finds that a strike was rightful it may order the employer to pay the strikers all or a part of the wages they have lost. Only recently the settlement of the long strike in a big printing shop in Mexico City provided for three weeks' pay for the strikers. Capital knuckles down be-

cause the government may take over and run a concern or public utility in case the owners prove recalcitrant to the award of an arbitration board. A French cotton mill in the capital discharged half a dozen men arbitrarily and on its refusal to take them back the government took and ran it until the owners gave in.

But even without the old labor-skinning juicy profits are still to be had in Mexico. In private many capitalists admit that they are accommodating themselves to the new situation and intend to go ahead. In a northern city I interviewed the managers of two smelters and a steel works, which employ nearly 5,000 men. None reported any extreme or unreasonable demands from their unionized men. They have no anxiety lest their men succumb to "red" propaganda. As they see it, their future hinges much more on the stability of government than upon the attitude of their labor. In another city an American smelter man said, "Labor is nowadays harder to manage and occasionally it demands the unreasonable. It will have to learn by chastening experience what rights it must respect in capital. I do not deplore the spread of organization among the working men. It had to come and it is legitimate." The American head of a light and power company observed: "There is much less Bolshevik sentiment here than in 1915-17. The country is getting better right along. We can rub along and make money even with this demanding labor."

However, the chief good from the Revolution is unquestionably the new spirit engendered. Penury is still the lot of the common laborer but there is now fire in his heart, hope in his eye. Full well he knows that his children are not to be serfs. Myriads daily go ill-fed to work just as toilsome as ever, but they mind it less because, far and faint, they hear a song of good cheer.

The labor movement beyond the Rio Grande is, on the whole, normal and healthful. Without it the workers would reap little from the Revolution. The foolishness and crime that accompany it are but the foam on the waves. Wild talk and occasional fights between unionists and non-unionists do not portend that Mexican wage earners are going to turn against their country, abandon their religion, or harry their employers until they quit in disgust. Their leaders are probably no more rabid than were the American labor leaders thirty-five years ago. Dangerous tendencies, instead of growing, will slowly disappear, as Mexican labor registers economic and social progress and comes to feel itself strong and secure.

EDWARD ALSWORTH ROSS.

[This is the third of a series of articles on current social and economic conditions in Mexico, where the author recently spent several months. They will appear, in an expanded form, as part of the contents of Professor Ross's forthcoming book, *Social Revolution in Mexico*.—THE EDITORS.]

Dissenting Opinions in the Minimum Wage Case

[The following is the full text of the dissenting opinions of Chief Justice Taft and Justice Holmes in the recent Supreme Court decision in the District of Columbia minimum wage case, discussed in an article elsewhere in this issue.]

MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA VS. THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA.

[April 9, 1923]

Mr. Chief Justice Taft, dissenting.

I regret much to differ from the Court in these cases. The boundary of the police power beyond which its exercise becomes an invasion of the guaranty of liberty under the Fifth and Fourteenth Amendments to the Constitution is not easy to mark. Our Court has been laboriously engaged in pricking out a line in successive cases. We must be careful, it seems to me, to follow that line as well as we can and not to depart from it by suggesting a distinction that is formal rather than real.

Legislatures in limiting freedom of contract between employee and employer by a minimum wage proceed on the assumption that employees, in the class receiving least pay, are not upon a full level of equality of choice with their employer and by their necessitous circumstances are prone to accept pretty much anything that is offered. They are peculiarly subject to the overreaching of the harsh and greedy employer. The evils of the sweating system and of the long hours and low wages which are characteristic of it are well known. Now, I agree that it is a disputable question in the field of political economy how far a statutory requirement of maximum hours or minimum wages may be a useful remedy for these evils, and whether it may not make the case of the oppressed employee worse than it was before. But it is not the function of this Court to hold congressional acts invalid simply because they are passed to carry out economic views which the Court believes to be unwise or unsound.

Legislatures which adopt a requirement of maximum hours or minimum wages may be presumed to believe that when sweating employers are prevented from paying unduly low wages by positive law they will continue their business, abating that part of their profits, which were wrung from the necessities of their employees, and will concede the better terms required by the law; and that while in individual cases, hardship may result, the restriction will enure to the benefit of the general class of employees in whose interest the law is passed and so to that of the community at large.

The right of the legislature under the Fifth and Fourteenth Amendments to limit the hours of employment on the score of the health of the employee, it seems to me, has been firmly established. As to that, one would think, the line had been pricked out so that it has become a well formulated rule. In *Holden v. Hardy*, 169 U. S. 366, it was applied to miners and rested on the unfavorable environment of employment in mining and smelting. In *Lochner v. New York*, 198 U. S. 45, it was held that restricting those employed in bakeries to ten hours a day was an arbitrary and invalid interference with the liberty of contract secured by the Fourteenth Amendment. Then