

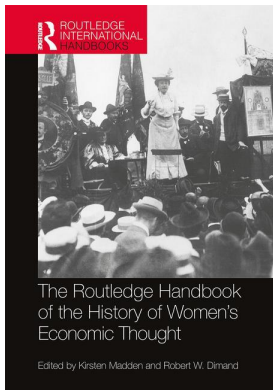
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EARLY WOMEN ECONOMISTS AT COLUMBIA UNIVERSITY

Contributions in the struggle for labor protection in the Lochner era

*Clara Elisabetta Mattei*¹

The 1910s and 1920s were critical for the development of labor legislation in the United States. A shift in the role of the state was being negotiated in the regulation of the economy, especially of the labor market. A heterogeneous network of progressive activists, of which academics were a constituent (Hart 1994, 67), fought for enactment of protective labor legislation, while conservative efforts, primarily embodied by Lochner era² Federal Courts, upheld freedom of contract and laissez-faire.

A peculiar feature of early American progressive labor legislation was that, until the New Deal, it aimed at protecting women, not men workers. The constitutionality of the law was based upon a recognition of the “difference between the sexes.” Women were accorded special status due to their economic weakness and their reproductive role. The words of Justice David Josiah Brewer are noteworthy:

That woman’s physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence is obvious . . . as healthy mothers are essential to vigorous offspring, the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race.

208 U.S. 412 at 412 [1908]

The common interest for a vigorous race overruled the classical principle of “liberty of contract” and legitimized government exercise of police power³ to protect the health, morals and safety of the community.

Of all labor legislation, minimum wage laws were the most controversial, since, in the words of its opponents, wage fixing represented the emblem of the “expression of the paternalistic and socialistic tendencies of the day” (Woloch 2015, 106). In 1912 Massachusetts enacted the first minimum wage law only for women workers, a year later seven more states and the District of Columbia followed. Up until 1923 its constitutionality was upheld on the basis of the above-mentioned sex-dividing philosophy.

Scientific expertise was broadly deployed by courts. The canonical narrative views the progressive advocacy of sex-specific wage legislation as a strategy to exploit the police power loophole of the constitution and thus escape the vetoes of the conservative courts who were unwilling to allow for regulation of male labor contracts. Leonard (2005 and 2016) shows that such a view is at best incomplete if not misleading. The stance of reform economists Henry Seager, Richard Ely, and John Commons “was also the product of reformers’ ambivalence, sometimes even hostility, toward women’s labor-force participation” (Leonard 2005, 772).

This chapter considers the progressive Columbia School of women economists as an important exception to the sexist progressive trend. Emilie Josephine Hutchinson and Elizabeth Faulkner Baker viewed labor legislation, in particular minimum wage legislation, as a full-blown “labor problem” rather than a “sex problem” (Hutchinson 1919, 80). They proposed universal extension of labor legislation as a fundamental pillar for socio-economic improvement of American capitalist society. Such a far-reaching outlook posed a convincing challenge to feminist opponents of protective labor legislation, who, starting from the beginning of the 1920s, fought against minimum wages in the name of equal opportunities. The feminist opposition argument to labor legislation was based on the idea that protective legislation for women diminished competitiveness of women workers, causing unemployment and discrimination of jobs: “freedom of contract” had to be extended to all. Hutchinson and Baker’s analysis dispelled the feminist opposition argument, advocating for universal labor protection.

In the first section I introduce the two women economists, embedding their scholarship within the main sequence of judicial events on minimum wage laws. The latter exemplify the historical turnover of the three major ideological blocks: the conservative courts, the reform progressives, and the equal rights feminists. The following two sections discuss Baker and Hutchinson’s method of analysis, together with their reform proposals, which disclose their distance with respect to Leonard’s (2005) mainstream progressives. The fourth section discusses the two economists’ response to criticisms against wage legislation, in particular the problem of legally induced disemployment,⁴ highlighting a further element of divergence from mainstream progressives. In the fifth section, I discuss two indispensable components for Baker’s and Hutchinson’s reform agenda: unionization and socio-economic education. I study original archival material that discloses Hutchinson’s primary involvement in The Barnard Summer School for Women Workers in Industry, a ground-breaking practical experiment for disseminating socio-economic consciousness among women workers.

Hutchinson, Baker, and their time

Hutchinson and Baker were pioneer women professors of economics at Barnard College, the women’s college affiliated with Columbia University. The major historical works on labor laws cite them as contemporary experts on the topic (Hart 1994; Woloch 2015). Yet, until now, their life and works have not been unearthed. I use the material of the Columbia and Barnard Archives, together with their publications, to give these women their due significance.

Emilie Hutchinson (1877, Yarmouth USA–1938, New York City) graduated with honors from the Barnard class of 1905. After five years of instructorship in economics at Mount Holyoke and Wellesley colleges, in 1913 “her alma mater invited her to fill the first position ever offered to a woman in an Economics department” (Baker 1938, Hutchinson’s Obituary, Barnard Archives). While teaching at Barnard, Hutchinson received her MA from Columbia University (1908) and took her doctorate in economics at the same institution. In 1919 she defended her thesis called *Women’s Wages: A Study of the Wages of Industrial Women and Measures*

Suggested to Increase Them, soon published by Columbia University Press. She was then promoted to Associate Professor in Economics at Barnard and held the post of Head of the Department of Economics until her death. Hutchinson taught an eclectic variety of courses: from economic history to economic theories and consumer behavior. Beginning in 1919, Baker assisted Hutchinson with the core course entitled “Outlines in Economics.” The two women taught the course together for almost twenty years. In the Barnard Bulletin of 1938, Baker wrote an affectionate obituary of her senior colleague and former PhD supervisor. In 1940 Baker replaced Hutchinson as head of the department, a post she held until her retirement in 1952.

Contrarily to Hutchinson, Baker (1885, Kansas–1973, Washington) was not a Barnard alumna. She received her Bachelor’s degree from the University of California, Berkeley in 1914. However, just like Hutchinson, she gained her MA and PhD in economics at Columbia University. Her interest in the topic of labor relations, and especially in the status of women in industry, is evident from her 1919 MA dissertation entitled “Some of the Economic and Social Causes and Effects, Especially upon the Family, of the Employment of Married Women in Industry.” In that same year Baker was appointed at Barnard to teach the course “Women and Labor.” In 1925, she defended her PhD dissertation *Protective Labor Legislation, with Special Reference to Women in the State of New York*, published by Columbia University Press (1925). Baker served as a faculty member of the Barnard College economics department for thirty-three years (1919–1952), first as Assistant Professor and, from 1938 onward, as Associate Professor.⁵ In 1933 her famous book, *Displacement of Men by Machines*, was published, and in 1964, twelve years after retirement, she published *Technology and Woman’s Work*.

Both women economists combined their academic career with “practical and humane interests” (Saulnier 1973, *Baker’s Obituary*, Barnard Archives). While teaching at Wellesley College, Hutchinson was a volunteer worker for the Women’s Trade Union League of Boston. For two years (1905–07) she was secretary of the Women’s Auxiliary to the Civil Service Reform Association of New York. In 1917 Hutchinson took a year’s leave of absence from Barnard to act as manager of the Intercollegiate Bureau of Occupations.⁶ As for Baker, her obituary reads: “Her career was particularly notable . . . as an outstanding example of service and accomplishment in education, research and public service” (Saulnier, 1973). During WWII she served as Panel Chairman in Region II, New York, for the War Relations Board. Baker was also a member of the National Planning Association and, from 1946 to 1948, distinguished member of the New York sector of the Society for Advancement of Management. Apart from scholarly journals, such as the *American Economic Review*, both Baker and Hutchinson intervened in the national press, in particular the *New York Times*.⁷ The Columbia women produced a scholarship that was constantly concerned with the real world of policymaking. This is clear, in the first place, from their dissertations.

Emilie Hutchinson and Elizabeth Baker wrote their PhD theses on the subject of minimum wage legislation during a critical historical moment: an age of transition. In 1919, when Hutchinson defended *Women’s Wages*, American Progressives had much to celebrate. In 1912 the State of Massachusetts passed the first act providing for a minimum wage for women while establishing a commission to study industrial conditions and to set wage rates. By 1919 minimum wage laws were applied in fourteen states, the District of Columbia, and Puerto Rico. Yet, at the eve of the new decade, circumstances changed dramatically. *Adkins v. Children’s Hospital* of (1923), declared the unconstitutionality of the District of Columbia minimum wage law. The United States Supreme Court confirmed the decision of the District. The event sanctioned the death knell of protective wage legislation up until the New Deal.

Baker and Hutchinson were well aware of complex political contrasts at play. Both women dedicated a chapter of their theses to “The Controversy.” A schematic reconstruction of the

ideological collision pictures three major forces at play.⁸ The Courts' rulings expressed the passage of historical force from one ideological block to another: from laissez-faire to progressive creed, then once more, from progressive creed to laissez-faire, though, this time, imbued with legal feminist ideology. Political pressures apart, the judiciary was informed by expert reports and opinions.

In a first moment, the contrast was mainly between the conservative block fighting for the respect of laissez-faire principles as constitutive elements in the American Constitution and the progressive social reformers that obtained single-sex laws through the principle of woman's peculiar biological and social role. Until 1919 the constitutionality of wage legislation for women was affirmed on the basis of the legitimate use of police power to promote public welfare. The progressive case for women's labor legislation was not posed as a matter of exploitation of the lowest skilled and ill-remunerated workers, but rather as a national obligation, pertaining exclusively to women, to produce "vigorous offspring" (Baker 1925, 83–85).

The landmark case *Muller v. Oregon* (1908) that inaugurated the success of progressive women's labor legislation was won on the grounds of the necessary protection of the integrity of the home and the race by limiting female wage labor. Baker denounces the conservative *animus* of progressive wage legislation:

From this it seems there are mixed motives underlying the advocacy of special laws for women. One of the fundamental motives is not the protection of women's health but the retention either of a tradition or of a job [men's jobs]. This motive appears in the form of a health and a morals disguise.

Baker 1925, 444

Beginning in 1920, a second ideological contrast emerged. The Women's National Party (WNP) split from the reformers of the National Consumers League (NCL), declaring the elimination of women's labor protection as its main goal. The conflict between the principles of protection and equality fully ensued. Led by Alice Paul, the WNP campaigned for equal opportunities, selecting legal equality as their exclusive socio-political concern. Protective labor legislation ought to be abolished: it made labor competition more difficult for women, creating unemployment, especially among skilled women workers. In this view, "freedom of contract" had to be extended to all.⁹ The *Columbia v. Adkins* case of 1923 confirmed the victory for the so-called legal feminists, marking also a conservative counterattack against progressives. Indeed, as Baker well explains,

A two-fold attack was made upon the law, – first upon the very principle of legal minimum wage which is a "price-fixing law" and an infringement of the right of free contract, and then upon its special application to women "who are legally as capable of contracting for themselves as men," and therefore a denial of the equal protection of the laws.

Baker 1925, 88–89

The recognition of women's equality came with the rejection of "the tendency of the hour to socialize property rights" (Baker 1925, 86), "paternalism," price fixing, and even "Sovietism"; all dangerous phenomena that, according to the conservative forces, had characterized the past decade (Baker 1925, 86). The 1923 case sanctioned the comeback of the principles of the famous *Lochner v. New York* case (1905) that had inaugurated courts' rulings against labor legislation.¹⁰ By 1930 only six minimum wage laws remained in place: all were either unenforced or otherwise ineffective (Woloch 2015, 127–128).

Baker and Hutchinson observed the complex overturn of events. The two academics were also attentive to the intellectual debate that informed the judiciary. They shared a stance that represented an exception with respect to the mainstream progressive field. They were surely not the only exception, yet one that deserves attention for its scope and modernity. Their position dialogued and challenged the stance of equal rights feminists who had revolted against labor legislation.

As any authentic progressive, Hutchinson and Baker supported state intervention and deeply believed in the power of economic expertise. As progressives, Hutchinson and Baker were supporters of female minimum wage legislation. Yet, in contrast with mainstream progressives, minimum wage legislation was not a means to preserve women in their traditional role of homemakers. On the contrary, it was the first fundamental instrument for society to adjust to the structural economic and social changes of capitalism that presented women as crucial components of the labor force.

In order to support their claim, Hutchinson and Baker undertook an economic analysis of the effects of minimum wage legislation. They considered the main concern of the equal rights feminists: disemployment caused by these laws. Baker and Hutchinson were conscious of the limits of single-sex wage legislation. However, their critical analysis brought them to support universal wage laws.

Advocacy of wage laws for all workers distinguished the position of the two Columbia economists from both mainstream feminists and mainstream progressives. The two economists saw minimum wage legislation as a basic component of a broader set of tools for the welfare of workers. Political organization through unionization and economic instruction were crucial in their eyes. These ideas stemmed from their approach to economics, receptive to the interlock between economic, cultural, and political factors.

The historical approach

Baker and Hutchinson held a common view regarding minimum wage legislation. It is plausible to think that this shared vision derived from a more fundamental commonality: the scope and method of economic analysis. This aspect explains their distance from the “sexist mainstream” discussed by Leonard (2005 and 2016).

Hutchinson and Baker approached the topic of labor legislation from a broad economic and historical perspective. The Columbia scholars were not interested in the women’s question per se; they were concerned with women’s socio-economic position as a crucial element to analyze the evolution of the capitalist economy.¹¹ They stressed that as the economic system changes, so does its socio-economic organization. The opening of Hutchinson’s 1929 article, “The Economic Problem of Women,” is very telling of this approach:

The advent of the machine age roughly dated the passing of one social and economic order and the beginning of another that is still in the process of unfolding its peculiar and distinctive characteristics. Economic, political, and social problems have presented themselves with bewildering rapidity, and have created an atmosphere of stress and strain throughout our social life. One of the problems of major importance in this rapidly changing order centers in the economic position and function of women.

Hutchinson 1929, 132

In Hutchinson’s historical analysis, the transition from the domestic system of industry to machine production was the principal reason for the emergence of the strict division of labor

between men and women. When the home was the chief setting of economic activity, men and women were jointly producers and consumers. Once profit became the leading aim of production and traditional family activities were taken out of the home “the function of women in the home steadily lost its importance in production until it fell to a minimum, and emerged associated primarily with consumption” (Hutchinson 1929, 132). In their role as consumers, women lost all of their financial independence. As Baker also put it, their legal and social position adjusted to the new economic setting: “under the common law, the economic status of a married woman was practically that of a slave” (Baker 1927, 273).

Yet, as capitalism matured and unskilled labor increased its ranks, many women joined the labor force, primarily to compensate for the fact that, in the lowest income group, “the earnings of men have been insufficient to support their wives and daughters” (Hutchinson 1929, 132). For Baker and Hutchinson, it was an undeniable historical fact that the evolution of the capitalist economy meant a continuing increase of women in the labor market, in particular in industrial occupations. Since 1880, when the national census began to record separately the number of men and women gainfully employed, “the steadily increasing number of women working for money has been a matter of general interest and concern.” World War I, Hutchinson remarked, merely ignited a structural change that had been going on for the last decades (see Hutchinson 1919, 12).

The history of capitalism revealed how the traditional division of labor between men and women was deeply economically and socially constructed, thus historically contingent: “The trend of women’s gainful employment has been running counter to the general assumption that men are the ‘natural’ breadwinners in the present economic order” (Hutchinson 1929, 133).

In sum, Baker and Hutchinson’s broad method of historical analysis pushed them to analyze the topic of women’s labor in a dynamic fashion. This marked the first fundamental difference with respect to Leonard’s (2005) progressives: women’s labor is not an unnatural and exceptional phenomenon; rather, it is one of the crucial aspects that define the evolution of capitalism. Women’s roles as caregivers hold nothing biologically innate. In this perspective, women’s labor and wage conditions did not represent “a sex problem” but rather the topical problem for the analysis of the evolving economic system.

In her thesis, Hutchinson sets the common agenda: “we must look forward to the continued importance of the unskilled woman worker and her labor problem” (Hutchinson 1919, 13). Indeed, the same dynamic approach is visible in Baker, who writes:

The apparent facts force recognition by the impartial observer “that women are in industry to stay” . . . Social change is inevitable . . . without being dogmatic it is as logical to declare that our economic order must return to that of the 1750s as to say that women must take themselves out of industry.

Baker 1925, 443–444

Hutchinson and Baker’s method displays a flavor of historical materialism. As the production structure and the labor market evolve, women recover an economic position as producers that they had lost with the passage from the traditional economy to the machine age. Thus, Hutchinson and Baker predicted that social relations would modify accordingly with the economic structure. The household and family relations would eventually advance into forms of joint economic and child-bearing responsibilities between men and women. As Baker also insists, motherhood would eventually be transformed into parenthood.

However, the two economists were well aware of the complexity of processes of socio-economic transformations. In fact, Baker and Hutchinson did not endorse a deterministic version of

historical materialism: a crucial element of their analysis rested in the appreciation of the strong power of tradition and culture as conservative forces, contrasting the evolution of women's role.¹² This insight gives a strong reason for Hutchinson and Baker's support of wage legislation as an institutional measure to counteract the forceful reaction to economic change. Let us first discuss the influence of non-economic forces on women's wages.

Beyond economic forces: the significance of wage legislation

Baker and Hutchinson focused on wages as they represented "a specific test of woman's economic status" (Hutchinson 1919, 179). In her first chapters of *Women's Wages*, Hutchinson studies available data on wages and their relations with the costs of living: census and federal investigations, labor bureaus statistics, and investigating commissions. The findings revealed that wages of industrial women "are compressed within a narrow range from four to eight dollars a week" (p. 25). Furthermore, wages of the majority of industrial women "fall short of the amount required to maintain a normal standard of life . . . to this extent industrial women at present fail self-support" (p. 50).

From this data, the two economists conclude, women are "a distinct class of wage earners" (Hutchinson 1919, 66). They embody the weakest and worst remunerated component of the labor force: a class of the most exploited workers. Baker and Hutchinson affirm that a satisfying explanation of women's particular economic condition must account for extra-economic forces, in particular, custom and tradition. The working of the law of supply and demand fails to account for this extreme level of exploitation. Hutchinson's phrasing is clear:

The outcome of the whole situation is that the industrial employment of girls becomes subject to peculiar and distinctive influences that operate to hold their wages at a low level—lower than would result from the working of purely economic forces. Custom and tradition in themselves dictate the offer of lower wages to women than to men and put definite limit to their occupational opportunities.

1919, 66

Hutchinson devotes an entire chapter of her thesis to the "Factors Affecting Wages." It is clear that economic rationales are impossible to disentangle from socio-cultural factors. A summary of the chapter conveys the idea:

Women are usually young and inexperienced, hence predominating in the lower grades of jobs; they stay in industry a comparatively brief time, too brief to reach the maximum earnings possible in even their own types of work; they cannot rely to any extent upon a strong organization to defend and promote their interests; and finally, their economic status in the family, closely connected as it is to their child-bearing function, contributes a further restriction upon their vocational opportunity.

1919, 66

Baker's thesis echoes these ideas, stressing the conservative force of tradition as a determining factor on woman's labor condition (Baker 1925, 445). Thus, at present, the challenge for women is "to wrestle with the problem of adjusting their necessities and obligations as producers to the claims of an environment still largely dominated by the tradition of economic dependence and restricted economic opportunity" (Hutchinson 1919, 179).

Baker and Hutchinson conceived wage legislation for women as a primary element in opposing conservative social forces. This point brings about a contrasting interpretation of the meaning of women's wage legislation with respect to Leonard's progressives. Wage legislation is not demanded as an instrument to keep women outside the labor market. Rather, it is a means for social practices to adjust to the structural economic changes of women as gainfully employed actors of the economy.

Writing after 1921, when the feminist criticism of single-sex labor legislation exploded, Baker was perceptive of the controversial interpretation of labor legislation: its emancipatory role for women was challenged. To tackle this topic, we must first discuss the criticism of wage legislation, particularly regarding unemployment.

Criticism of wage legislation

Disemployment effect?

The main criticism against wage legislation considered it as an interference with the natural law of supply and demand, producing "greater evils than it is aimed to cure" (Hutchinson 1919, 90), as it fundamentally caused unemployment, especially of the most unskilled. Minimum wage laws "seem likely to lead either to lessened profits or higher prices of goods. Either process leads again to some curtailment of the operations or some employment of others to take the place of women" (Taussig 1916, 428).¹³ This position, based on neoclassical price theory, was well known to our authors. Hutchinson located it theoretically: it was the result of a particular "social philosophy" (Hutchinson 1919, 96) that deeply clashed with progressive ideas of state interventionism: "The argument savors of laissez-faire and an optimistic reliance upon natural law which can be trusted to bring all things right in the long run" (p. 91).

Six years later, in her thesis, Baker revealed the connection of neoclassical attacks with the feminist equal opportunities movement: the feminist opposition argument against wage legislation deployed neoclassical theory to strengthen its stance. For both critics the main effects of minimum wage legislation were unemployment for women and discrimination of jobs. Baker wrote, "The principle of special protection is being challenged as unattainable and irrational – as prejudicial to women rather than advantageous" (Baker 1925, 342).

Leonard shows that the majority of leading progressives were in favor of labor reform exactly *because* they thought binding minimum wages would disemploy workers. What distinguished them from their neoclassical counterparts was their value judgment: legally induced disemployment was not a social cost but a putative social benefit, "as it performed the eugenic service of rising wages by ridding the labor force of the 'unemployables'" (Leonard 2005, 766). Among the "unemployables," Sidney Webb famously classified "child-bearing women" and those "deficient in strength" (Webb 1920, 785).

In opposition to these views, Baker and Hutchinson held a position that was in line with today's minimum wage advocates: minimum wages did not disemploy women workers. Hutchinson contested the assumption of a zero sum game between lower profits and higher prices that would occur with labor legislation, thus causing unemployment. Rather, there subsisted a positive correlation between wage laws and economic progress, and the latter phenomenon would increase the number of employed workers. Wage legislation acted as a catalyst for investment in improved machinery. Since employers could "no longer nibble at wages" (Hutchinson 1919, 88) legislation prompted "a challenge of established business methods. It will

forcibly urge employers to conserve their profits by compensating advantages in some form of greater efficiency of production” (Hutchinson 1919, 88).

In this framework, a virtuous process of selective evolution among firms took place: “The practice of establishing minimum rates in putting a premium upon efficient management tends to drive out of business the inferior establishments that exist in every trade” (Hutchinson 1919, 88). Labor laws benefit society as a whole. Wage laws protect society against the pernicious socio-economic effects of parasitic industries that had subsisted at “the expense of the vigor, health and morality of its employees.” “If an industry can maintain itself only by paying its workers less than a living wage, it is socially an unprofitable enterprise. Rightly it should be forced out of existence” (p. 83). “Mr. Webb” is cited in Hutchinson’s thesis to support this view. Yet, she differs from the Webbian progressive thesis in two major respects.

In the first place, Hutchinson accepted that during the selective process a degree of displacement of adult workers occurred: some businesses failed and, contemporaneously, employers would “weed out” their less efficient workers. However, she firmly claimed that the unemployment effect would be only temporary. Technological innovation fostered economic growth, hence the less efficient worker would be absorbed into other businesses, while new workers would be taken on board to replace them. Hutchinson’s conclusion is firm: “The result has been that the increased cost of labor has been offset by superior methods of management, thus constituting a gain for the employee and no loss for the employer” (p. 119).

The author noted that the Massachusetts minimum wage commission corroborated her views:

The increases in wages have been large throughout the industry, and at the same time the capital investment in the industry and the value of the product have materially increased. The employment of women and minors have not given way to the employment of men, nor has the minimum become the maximum.

Massachusetts Minimum Wage commission (1915, 1), in Hutchinson 1919, 126

Second, while the author endorsed Webb’s evolutionary approach concerning the progress by selection of institutional capacity, she completely disregarded any eugenic notion of innate capabilities of workers, especially women. Biological determinism was demystified and no mention of the concept of “unemployables” was made. The material conditions, in particular the investment and management capacities of the firm, retained absolute priority to explain labor productivity. An integral part of these material conditions was workers’ nutrition and health: as their wage increased so did their physical strength and thus their productivity. Empirical evidence supported this point as well; for example, the 1915 reports by R.H. Tawney on minimum wages in tailoring.

Together with Baker, Hutchinson considered empirical studies as a fundamental component of their scholarship on minimum wages. “Nothing short of actual experience of the social and economic effects of minimum-wage legislation can settle the controversy between its advocates and opponents” (Hutchinson 1919, 97). Hutchinson looked at the foreign precedents of Victoria (New Zealand) and Great Britain, while both women carefully analyzed the data deriving from various US industrial commissions or State Labor Bureaus commissions.¹⁴ The two authors discussed the epistemological limits¹⁵ of these enquiries at length, invoking greater effort in deploying economic expertise to collect larger and unbiased material (Baker 1925, 424; Hutchinson 1929, 129).

Nevertheless, the available evidence confirmed that “no substantial fact refutes the results of those who defend the general benefits of wage legislation” (Hutchinson 1919, 123). In summary, in the states where the minimum wage law was actually applied, the social problem of sweating

had been eliminated (Hutchinson 1919, 98). Also, the fear of a leveling down of all wages to the minimum wage had been discarded. The Wisconsin Commission of 1920 testified that the general level of wages had advanced since minimum laws passed; it was specifically the youngest and most inexperienced women that had benefited (Baker 1925, 406; Hutchinson 1919, 105).

Baker agreed with these findings: minimum wages, far from being detrimental to women's employment, ameliorated their labor conditions, and thus society's welfare as a whole. Baker fully approved the Hutchinsonian analysis to refute the criticism of the positive correlation between labor legislation and unemployment. To the contrary, minimum wages enhanced industrial efficiency, economic progress, and wider employment of unskilled women workers (Baker 1925, 404–428). However, writing in 1925, Baker was receptive to feminist protests for equal rights, taking their motivations with serious scholarly concern.

Baker and the feminist critique

Baker asked: "Why then the growing opposition for protective labor legislation for women?" (Baker 1926, 531). She answered:

[T]he protestants explain that these laws do not always protect, that they often shackle instead. They urge that women have small chance before their profit seeking employers to secure desirable occupations when there are restrictions placed on what they can offer while men can give their services on their own terms.

1929, 266

For Baker, recent empirical studies¹⁶ revealed that, in industries where women predominated, such as mercantile establishments and many factories, Hutchinson's findings held true: wage laws, and labor laws in general, did not cause women's unemployment and benefited men workers by raising the general labor conditions. But, the feminist's worries had relevance in *particular* sectors where men predominated, such as in the printing and transportation services. In these cases, which concerned a minority of privileged women, who "through superior skill and opportunities have built the strength to dignify their relations with their employers" (Baker 1926, 532), labor legislation based only upon sex was of "doubtful value" as it caused women's loss of jobs in those sectors. It is important to note that Baker's concern applied especially to other forms of labor legislation that concerned limitation of working hours and night work, rather than minimum wage laws, which were relevant to unskilled workers.

Baker attributed great symbolic value to the minority of skilled women workers as they represented the vanguard of women's economic enfranchisement. They were "the economic standard bearers in the progress of women" (Baker 1925, 428), or better, the women at the "industrial frontiers" (Baker 1929, 276). They embodied the first who struggled against the conservative forces of tradition and prejudice in coherence with the economic changes of the time. Hence, their economic conditions were relevant to all women workers since "they are building the ladder upon which greater numbers of women may climb to a place in the sun" (Baker 1926, 532).

Even if partially agreeing with the feminist diagnosis, in harmony with Hutchinson, Baker did not agree with its solution, that is, the abolition of protective labor legislation so as to grant "freedom of contract" to all employers. The *Columbia v. Adkins* case (1923) exemplified such a view, liberalizing the labor market and slashing previous labor reforms.

By contrast, Hutchinson and Baker proposed a solution that was coherent with their historical materialism: freedom of form did not mean freedom of substance. Workers who did not receive

a living wage lacked *any* bargaining power. With little unionization and ruthless competition among them, their freedom of contract was pure illusion. The majority of women formed the ranks of the unskilled workers who lingered in a structurally subordinated condition:

Under the present system of wage payment the weakness of women's bargaining power may be inferred from the very nature of the work they do . . . Boys and girls just out of the elementary schools, immigrants with no industrial training, young women and older ones too, forced to earn a living and with no preparation for it—all these fill the ranks of the unskilled worker . . . To the employer the most important question is “which will do it the more cheaply”.

Hutchinson 1919, 82

State intervention had to establish a basic wage in order to “rise the plane of competition and restrict its working in the interest of the common good” (Hutchinson 1919, 96). Any higher wage than this basic one may be a matter of bargaining, “but at least a living wage becomes a charge upon industry” (p. 83).

In this framework, there is no logical reason for fixing wage legislation only for women. There is no dividing line between women wage earners and men wage earners as regards “their helplessness in the face of diverse industrial conditions” (Baker 1925, 440). Hence, emphasis should be put upon “the need of a plan for progressive legislation beginning with the most helplessness of our workers whether they be male or female” (p. 441).

An important paragraph comes from Baker's 1929 article, “At the Crossroads in the Legal Protection of Women in Industry.” Its words deserve full mention as they eloquently express Baker's ambitious reform agenda in favor of universal labor laws:

We appear, then, to have arrived at the crossroads in the legal protection of women in industry. Which way shall be our next turn? One road is toward more and more laws for women; another leads to none—to the abrogation of laws which do not apply alike to men and women. Should the opposing forces prove equally potent we seem doomed to stand still. But there is still another way . . . Let the present statutes for women remain for the present at least, with some necessary exceptions for the victimized minorities. Drive hard for the extension of these laws to include men as well. Aim as rapidly as possible to wipe out sex discrimination in the labor law by raising the status of all sub-level workers to the level of those better off. Present a program of legislation for men and women workers with solid economic foundation, one which is abreast of the time. Let this program be developed by an informed and industrious commission with the progress of women at heart . . . If we sincerely desire to advance the position of women in industry, is not this the road to take?

Baker 1929, 279

In sum, Baker and Hutchinson supported universal minimum wage legislation as a fundamental measure for society to embrace the changed economic conditions of women in the workforce and promote socio-economic progress.¹⁷ However, their common analytical framework that emphasized the intertwine between economic-political forces and power relations, together with tradition and culture in determining the economic outcome, shaped their reform proposals to more extreme consequences. Baker and Hutchinson envisaged the minimum wage law only as one component of a larger set of emancipatory tools explored in the next and final section.

Unionization and education

A universal minimum wage provides the basic “civilization standard for wage payment” (Hutchinson 1919, 175) in a historical moment in which labor organization is weak. This is particularly true for women, the great majority of whom are unorganized. Baker wrote: “If all workmen were successfully organized, it is conceivable that there would be little need for their protection by law. But the facts are far from this—perhaps one-fourth of the organizeable workers in the country are members of unions” (Baker 1925, 454).

Both authors were aware that wage legislation by itself fell short of a complete solution for low wages. For example, it could not tackle the structural problem of the irregularity of employment in industries for low-skilled workers. Hence, wage legislation marked just the first step in establishing the economic claims of women as a class of workers that could be fulfilled through political organization (Hutchinson 1919, 179).

Baker and Hutchinson contradicted the concern of labor unions about legal regulation of wages as causing diminished voluntary action. Empirical evidence underlined the positive relation between wage laws and worker’s organizing power. Hutchinson cited Tawney’s enquiry¹⁸ showing how minimum wage laws encouraged trade unionism. They helped create class-consciousness and overcome the main material obstacle of trade unionism in the past: the low earnings of certain groups of workers who could not afford union participation.

The main obstacle to unionization of women rested in the powerful counteracting force of the tradition of economic dependence that permeated American society. Baker and Hutchinson were convinced that only an educative effort upon all members of society could secure women’s economic emancipation. Baker’s thesis demonstrated how the enforcement of labor legislation could not merely rely upon formal laws. Compliance was truly effective only once employers internalized progressive values (see Baker 1925, Ch. V).

Most important of all was the educational process of the industrial woman worker. The perseverance of prejudice and exploitation rested primarily in the resigned attitude of women, who had internalized their subordinated role in the labor force and their traditional identity as housewives (Hutchinson 1919, 13). To raise workers’ prospective and consciousness, Baker and Hutchinson envisioned two types of interrelated pedagogic processes: vocational training together with general economic/political instruction. While they only wrote about the former, they put the latter into practice.

Vocational training endowed workers with practical skills in order to best fit their callings. It raised the opportunities of the unskilled women workers, increasing the value of their labor, and especially combated the stereotypical ideas of only certain types of jobs being fit for women (Hutchinson 1919, 172). Baker and Hutchinson intervened in the press to invoke the promotion of vocational training on a nationwide scale.¹⁹

The two economists engaged directly to provide economic and political instruction. Both professors taught classes for women undergraduates at Barnard College. The topics of the courses disclose an agenda of raising understanding about the competing forces of economic transformation and tradition. In the year of her appointment (1914–1915), Hutchinson inaugurated the first course in the economics department explicitly devoted to “the study of the economic relations of women” (Barnard Archives, Barnard College Announcement 1914–1915). It was called “Women in Industry.” The following year she taught “Women in Gainful Occupations,” described as “a study of economic and social occupations of women” (Barnard Archives, Yearbook). She repeated this course for the following ten years. In alignment with her methodological framework, she juxtaposed these courses with broader investigations in the history and theories of capitalism.²⁰

Baker's syllabi reveal a similar teaching method to her senior colleague. Baker taught central issues for the analysis and development of the capitalist economy, considering the evolution of women's role in the labor market as its integral component.²¹

Students at Barnard learned economic theory and the relation between such theory and the real world, with special emphasis on the socio-economic condition of the worker. Yet, Hutchinson's and Baker's educational efforts did not merely concern the elites who could afford college education: Barnard College took part in one of the most innovative educational projects for workers in the country.²² *The Barnard Summer School for Woman Workers in Industry* took place from 1927 to 1932. It offered "seven weeks of study with proper degree of recreation and opportunity for health building to 50 workers from 9 am to 9 pm" together with "a scholarship and a subsidy for living expenses in order to compensate for the work lost" (Report 1932, "The first five years," Barnard Archives).

The summer school provided classes all "closely linked with the world of the twentieth century." In addition, 200 workers, men and women, attended an evening class once a week to discuss "current social and labor problems." The importance of knowledge to raise the socio-economic alertness of workers, is clear from the 1932 "plan of teaching":

For such students it is of first importance to understand the current economic problems which concern them as workers in industry, they also wish to learn something of the world they live in, and to develop talents and resources for leisure time. The courses therefore focus attention on the workers' experience, drawing from literature, sociology, history, government, economics, psychology and the natural sciences, to give a broad basis of fact and develop perspective and understanding.

Report 1932, "The first five years," Barnard Archives

The school's spirit was to create a locus of exchange between women of different classes in order to discuss contemporary socio-economic issues.

The summer school . . . with daily discussion by industrial workers on their own financial problems, is of vital interest to Columbia students attending classes in economics and in education. Each summer graduates, undergraduates, and members of the Barnard College Faculty have taken an active part in the summer school as instructors, educators and committee members.

Report 1932, "The first five years," Barnard Archives

In the *Columbia Alumnae Bulletin* of 1929, Emilie Hutchinson wrote an enthusiastic report about the summer school. It provides a vivid image not only of the multiclass but also of the multi-ethnic environment:

An interesting group they were, they came from various great city industries . . . every branch of the labor movement and at least 12 locales were represented. On the other hand, 1/3 of the students did not belong to any labor organization. Only four girls were American born: they had come from Russia, Poland, Rumania, Czecho-Slovakia, and Germany, just before the war or soon after . . . I was very much impressed with their high degree of intelligence and with the concrete and realistic way in which they carried out their work.

p. 7

Emilie Hutchinson held a primary role in the organization of the summer school. She was both permanent instructor and chair of the curriculum committee. Her syllabus in economic history

was detailed in the analysis of the evolution of the economic structure since the Middle Ages, giving special attention to the changing condition of workers and current economic problems, including modern imperialism, the labor movement in Europe and in the United States and the origin and growth of socialism.

Numerous depositions of the students attest the success of this pedagogic experiment. A worker writes: "I'm beginning to understand, my mind is becoming clear and concentrated on the problems workers face." And: "I am finding a school at last that helps me by showing me how to find an answer to perplexing problems which concern our social welfare" (Report 1930). Especially interesting for testing the perceptiveness of the student-workers are the *Barnard Reports*: the school's magazine had a section devoted to a "series of papers typical of those written by students in connection to their classroom studies." Students' knowledge was extensive. For example, they learned the difference between Fabian socialism and syndicalism or that between anti-labor law and anti-labor injunction. Specifically, these records reveal a diffused conviction about the value of instruction and political organization to raise the socio-economic condition of workers. One example out of many:

Even under the present system, a great deal could be done through trade unions . . . The unions tend to raise wages and shorten hours . . . On the whole workers who belong to unions play an important part in deciding wages, hours, working conditions and many other things.

*"Prosperity for American Workers" by an anonymous student,
Barnard Report 1931, Barnard Archives*

Conclusion

Hutchinson and Baker were the first women economists to gain academic positions at Barnard College. Since their PhD years, during the so-called Lochner era, they directly engaged with the heated socio-economic debate on women's economic condition and protective labor legislation. Certainly, Baker and Hutchinson shared the progressive traditions of statism and expertise. Nonetheless, this essay shows that the two Columbia economists put forth a common contribution to the topic of minimum wage legislation that deeply distinguished them from the position of the "mainstream progressive view" as described by Leonard (2016).

The Columbia economists focused on women's labor condition as the most topical subject in order to analyze the evolution of the capitalist economy. Their historical approach marked the first fundamental difference with respect to Leonard's progressives: women's participation in the labor market was not an unnatural and exceptional phenomenon; rather, it was one of the crucial aspects of the development of capitalism.

Baker and Hutchinson's perspective was that "women are in industry to stay" and that "social change is inevitable," as it followed the change in the productive structure of society. Hence, women's social role as caregivers was not biologically innate and would eventually be transformed into joint responsibilities of parenthood.

It follows that wage legislation for women was not invoked as an instrument to keep women outside the labor market through legally induced disemployment. On the contrary, it was a means for social practices to adjust to the structural economic changes of women as gainfully employed actors in the economy. Contrary to Leonard's mainstream progressives, neoclassical economists, and equal rights feminists, Hutchinson denied that minimum wage legislation induced permanent disemployment for women. In fact, minimum wages provoked firms to invest in productivity and boost efficiency, thus propelling economic growth and greater overall employment. These ideas found positive corroborations in the enquiries of the time.

The Columbia economists' analysis was receptive of the interlock between economic, cultural, and political factors, thus stressing the limits of labor legislation. In order for the conservative forces to be fully defeated, Baker and Hutchinson envisioned the indispensability of other social tools. First, political organization was the sole means to gain enduring economic achievements above the basic threshold of minimum wages. Legislation could only provide the first boost for voluntary action. In Baker's words, "If all workmen were successfully organized, it is conceivable that there would be little need for their protection by law" (Baker 1925, 454).

For both economists it was really through political-economic instruction of workers, especially women, that both minimum wage laws and labor organization could be secured. Hutchinson and Baker envisaged their teaching activity was an integral part of their progressive reform agenda. The Barnard Summer School for Women Workers was a vanguard experience of socio-economic education. Women workers were taught about current economic problems, labor unions, and alternative theories of political economy. The school aroused the awareness of their identity as productive agents of society with economic and political rights.

The vanguard significance of Hutchinson and Baker's reform agenda is fully assessable in light of the political and legal context of the 1920s. The two Columbia economists proposed an ambitious doctrine of universal labor legislation in a moment in which USA protective labor laws were overturned. The two women were attentive observers of the contemporary legal events and of their ideological underpinnings. They firmly rejected the sexist progressive ideas that had shaped protective reforms until 1920. Simultaneously they contrasted the legal feminist efforts to abolish labor legislation, efforts that won their battle in 1923 and ruled for more than a decade. Notwithstanding the setback of wage laws, Baker and Hutchinson strove for their reform principles, teaching their ideas to many college and working women. This study discloses how Baker and Hutchinson were among the ideological precursors of the New Deal labor reform. The Fair Labor Standards Act of 1938 (FLSA), represented a landmark law in the nation's social and economic development. Reflecting the beliefs of our Columbia economists, it extended labor legislation, including minimum wages, universally to all American workers, independent of sex.

Notes

- 1 A special thanks to Sarah Witte, reference librarian of the Women Studies Sector at Columbia University, who has guided me through the immense archival material, a crucial aid to undertake this research.
- 2 Named after the famous *Lochner v. New York* (198 US 45, 1905) case, the Lochner era comprises the four decades (1897–1937) during which the Supreme Court substantively applied the due process clauses of the Fifth and Fourteenth Amendments of the American Constitution in order to strike down state and federal regulation, in particular labor legislation, that infringed constitutional rights to property and freedom of contract. See Giocoli (2016).
- 3 In United States constitutional law, police power grants states the authority to regulate private behavior for the betterment of the health, safety, morals, and general welfare of their inhabitants. A classic definition of police power is "the power of promoting the public welfare by restraining and regulating the use of liberty and property" (Freund 1904, iii). On the origins of this doctrine, see Siegel 1991; Novak 1996, Ch. 1; Giocoli (2016).
- 4 I use the term "disemployment" rather than "unemployment" in order to stress the *causal connection* that is at the basis of the criticism to minimum wages. Minimum wages for women *cause* women to lose employment they would otherwise have in a free labor market setting. The idea is that, if minimum wages are set above the market clearing price, women are expelled from the employability category.
- 5 Prior to graduate studies, she taught Economics while serving as Dean of Women at Lewiston State Normal School in Idaho (1915–1917) and at Washington State Normal School (1917–1918).
- 6 From 1929 to 1935 Hutchinson also served as chair of the Committee on Fellowships of the American Association of University Women (Barnard College Alumnae Monthly, 1938, Barnard Archives).

- 7 See: Hutchinson, *New York Times*, March 2, 1933, and *New York Times*, July 6, 1913. In both cases Hutchinson defends the cause of women as an integral part of the labor force.
- 8 See Woloch 2015; Hart 1994; Lehrer 1987; Baker 1925.
- 9 For details about the clashes between Alice Paul and Florence Kelly, respectively the leaders of WNP and CNL, see Chapter 5 of Woloch (2015) and Chapter 6 of Hart (1994).
- 10 The Lochner case was often cited by the courts as the virtuous precedent that, in the words of Chief Justice Taft, in those years had wrongly “been overruled sub silentio” (Baker 1925, 90).
- 11 This emerges also from their teaching interests. Hutchinson taught economic history and Baker focused on mechanization and technological change as critical elements of socio-economic evolution.
- 12 Lack of citations on the part of Baker and Hutchinson does not permit us to find out to what degree institutionalism had direct influence on their thought.
- 13 Other authors in the Marginalist school expressed the same concern, for example, Alfred Marshall (1897) and A. C. Pigou (1913). For an overview of the progressive position on minimum wage see Prasch (1999).
- 14 Among others, Hutchinson cited the Massachusetts minimum wage commission (1916) and The Oregon Bureau of Labour commission (1914); Baker considered the Industrial commission of Wisconsin (1920), Minimum wage board of the District of Columbia (1923), and California Bureau of Labor Statistics (1923).
- 15 Hutchinson remarked that “in all probability difficulties encountered by employers in making the adjustment and failure itself will be ascribed to the restricted legislation rather than to personal incompetency” (1919, 110). Furthermore, there was the inherent difficulty of disentangling the influence of one specific factor (wage laws) in a highly complex set of circumstances. Business cycles were among the factors complicating the statistical results.
- 16 Baker (1929) principally discusses the findings of the Report of the Women’s Bureau of the United States Department of Labor: “The Effects of Labor Legislation on the Employment Opportunities of Women” (1928), Bulletin No. 64, 1928.
- 17 For evidence of Hutchinson’s support to universal minimum wages see Chapters V and VI and the Conclusion of her dissertation (Hutchinson 1919).
- 18 Tawney, *Minimum Rates in the Tailoring Industry* (London 1915).
- 19 See Baker 1925, 1929; Hutchinson 1928, 1929. See also *New York Herald Tribune*, “Higher Incomes Reward Women Who Specialize,” Sept. 9, 1928, page A14.
- 20 Her course “Economic Theories,” inaugurated in 1923–1924, studied “the leading types of economic theories since the industrial revolution, with special attention to the background in economic history.” Hutchinson was also responsible for the course in economic history.
- 21 The first courses Baker taught autonomously in 1924–1925 were called “Financial and Business Organization” and “Labor in Industry and Society.”
- 22 This pioneering project was part of a larger movement for workers’ summer school:

Working together as an affiliated group the Summer Schools of Barnard, Bryn Mawr college, [that launched the project in 1921] and the University of Wisconsin are studying questions of curriculum and teaching method for the adult industrial worker and helping the former students to continue the Study program.

Report 1932 “The first five years”, Barnard Archives

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