Introduction to “John R. Commons and the Moral Foundations of American Labor Law”

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John R. Commons and his University of Wisconsin associates are recognized as the founders of the institutionalist perspective of labor relations in the late 19th and early 20th centuries. Labeled as the Wisconsin School, these labor economists-historians were interested in all aspects of the employer-employee relationship and were responsible for the establishment of labor relations as fields of both scholarly study and professional practice circa 1920. Commons and his associates focused their teaching and research in labor history and collective bargaining, arguing that labor unions were necessary for successfully dealing with the “labor problem.”

Besides their role as academics, the Wisconsin School institutionalists also were social reformers who promoted labor unions, collective bargaining and pro-labor legislation. Commons is the individual who served as the New Deal’s intellectual foundation, and with the other Wisconsin School academics, the inspiration for the passage of pro-labor legislation, such as the 1935 National Labor Relations Act which granted most private-sector workers the legal right to engage in union organizing and collective bargaining with agents of their own choosing. As “proto-Keynesians,” these early labor institutionalists contended that reducing wages, particularly during an economic depression, would lead to higher levels of unemployment. As such, they backed labor unions and the implementation of pro-labor legislation, arguing that both measures would increase wages resulting in the stimulation of the economy.

In this well-written and interesting “Perspectives” Section article, Jerome Braun, Visiting Scholar in the Department of Sociology at Loyola University, Chicago analyzes John R. Commons’ *Legal Foundations of Capitalism* (1924) for its contemporary relevance regarding US labor legislation. Commons argued that markets were not necessarily leading to employers treating workers fairly while also pointing out the US legal system’s limitations which favored big business over labor unions. While also utilizing the work of more contemporary scholars, Braun presents Commons’ critique of capitalism while contending that his ideas serve as a methodology for workers achieving workplace justice.

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If any of the journal's readers are interested in responding to any essays published in the "Perspectives" Section or would like to write articles on any topics in the field of employee relations, please do not hesitate to contact me with your proposal. I welcome both practitioner-based and scholarly-based articles written from any one of a variety of theoretical perspectives. I hope that you enjoy this article and find it most illuminating.