

**Silverman, Robert A. *Law And Urban Growth: Civil Litigation In The Boston Trial Courts, 1880-1900*. Princeton, N.J.: Princeton University Press, 1981. Pp. xxiv, 217. Tables, maps. \$16.50 (U.S.)**

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pulses quicken as soon as they set foot in Buffalo or Detroit; their practice of staying open twenty-four hours a day symbolized non-stop excitement; and their prices typified the bargains which drew so many Canadians across the border. At five cents (later ten cents) a hamburger, you couldn't go wrong, even if it was a rather small one. Yet this photographic history of the White Tower chain does much more than appeal to nostalgia. The introductory essay is an excellent architectural history of the chain. The captions that accompany the razor-sharp photographs that comprise the bulk of the book are informative, interesting, and often amusing, derived as they are from the comments of the men who designed and planned the buildings depicted.

The growth of the White Tower chain is significant for urban historians because its rise was associated with the changing work and residential patterns of the 1920s and 1930s. It was conceived of as a city-centre workingman's chain which would provide an inexpensive, clean, reliable eating place for the new breed of urban workers who lived far from their jobs and commuted to work on street cars and subways. The white tile exteriors, bathed in white light at night, the glistening interiors, the counter men preparing the food in front of the customers: all were designed to reassure customers that the hamburger meat was indeed of bovine origin and that the food was handled and prepared in a sanitary fashion. The pseudo-mediaeval towers were thought to provide a touch of elegance to the image. Since White Towers generally sat very few customers, patrons were encouraged to "Take Home a Bagful" of the hamburgers.

In fact, though, the restaurants aimed very much at workers taking the hamburgers back to their factories. Many White Towers were located close to large factories, especially in Detroit, where the new auto industry factories spawned White Towers on their fringes. They stayed open twenty-four hours a day, not to attract teenagers out on dates, but to accommodate shift workers in factories that never closed. White Tower planners also developed a working class clientele by locating restaurants at mass transit stops, especially at subway entrances and exits.

White Tower's basic designs and strategies were developed in the 1920s. In the 1930s the market for low-priced restaurant food rewarded an aggressive expansion campaign while higher-priced restaurants were closing or retrenching. The postwar shift of population to the suburbs and the displacement of mass transit by the automobile among its working class clientele forced wholesale changes in the corporation's design, location, and marketing strategies, resulting in a predictable attempt to carve a niche for itself among the Macdonald's and Burger Kings of the suburbs. Perhaps the recent moves of the latter chains back into the centre city holds out the hope that the White Tower corporation will preserve its surviving downtown restaurants, many of which retain the Art Deco

features of the 1930s. Not only do they continue to send a *frisson* up the spine of those of us who still remember the Good Old Days of urban America, but a few more books such as the one under review might make them "trendy." Who knows? White Tower may well become the fast food chain of the middle classes now migrating back into newly-renovated cores of American cities.

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Silverman, Robert A. *Law And Urban Growth: Civil Litigation In The Boston Trial Courts, 1880-1900*. Princeton, N.J.: Princeton University Press, 1981. Pp.xxiv, 217. Tables, maps. \$16.50 (U.S.)

The field of legal history presents tremendous opportunities to today's urban historian; not only in the availability of research materials and of historical issues with which to grapple, but also in its potential for significant contribution to our understanding of the past. Although the body of researchers and literature in Canadian legal history is growing, we still lag considerably behind the U.S. In this regard, however, the American literature can serve as an example to the Canadian urban historian of the potential of legal history. This is certainly true of Robert Silverman's book.

The book is a study of the Boston civil trial courts during the last two decades of the nineteenth century. As the first such study, Silverman's conclusions regarding the development of the role of the courts in the midst of rapid social and economic change in the urban environment are particularly relevant. These conclusions are based on a random sample of 1,445 actions brought in the Suffolk County Superior Court in 1880 and 1900, and in the Boston Municipal Court in 1880 and 1902. His analysis regarding the litigation pattern during the time period is based on comparisons of these samples.

In doing so, Silverman has successfully shown the value of local court records as source material for the urban historian. In reading his analysis of these records, however, the reader is left curiously unsatisfied. Stimulating issues in the development of the relationship between the courts and their urban environment are touched on without adequate discussion. In defence of the author, perhaps, one should note that this book is a drastic condensation of a doctoral dissertation completed at Harvard in 1977. Those of us who find the editing of his analysis severe should be directed to the thesis.

With the exception of this criticism, the book is a useful contribution to our understanding of the role of law in

the urban setting. His conclusions regarding the development of the role of these courts during the period are not particularly startling but are none the less valuable in confirming our assumptions about this period. The basic function of the courts, that of providing a formal forum for the settlement of disputes involving debt and personal injury or property damage, remained during the period under study as it had been for the previous two centuries. The total number of suits and the relative proportions of certain actions were, however, unprecedented. This was a direct result of the processes of urbanization, industrialization, and commercialization taking place in the city. "The changing litigation pattern stemmed from alterations in the fabric of urban life, imposed by Boston's development from a provincial seaport into one of America's principle manufacturing and distribution centers" (p. 133).

His sample indicates that debt was still the most common subject of litigation, but tort actions (those arising from willful or negligent personal injury or property damage) were increasing substantially. A dramatic rise in suits for the recovery of debt was a result of the commercial environment created by the changes which the city was undergoing. Silverman terms this environment "The Anonymous Marketplace." The increased complexity of commercial relations in the urban setting, particularly the anonymous relations of retail and wholesale merchants and their clients in an increasingly competitive marketplace, resulted in a greater incidence of debt litigation. By comparing the types of businesses of the plaintiffs in the debt actions in the sample, Silverman concludes that merchants engaged in trade which was most competitive, particularly retail clothiers and grocers, were most likely to have to resort to litigation.

The increase in litigation related to housing was due to the social alienation of urban growth. Although attempts were made by municipal and state authorities to reduce the problems of slum housing by establishing statutory minimum standards, the majority of Boston's inhabitants lived above this minimum. The result was an essentially unregulated relationship between landlord and tenant and between builder and purchaser. The disputes which arose from these relationships were resolved in the city's trial courts.

The actions brought by landlords against tenants were chiefly for ejectment and for payment of overdue rent claims. The increased availability of mass transit in the form of the electric streetcar, which allowed city workers to live in the suburbs and commute to work, relieved the pressure on housing close to city employment even while the population increased. The result for the trial courts was an increase in the number of actions for the collection of debt and a decrease in the number of ejectment applications.

The most notable types of suits appearing in the sample were those in tort, primarily negligence cases. The rapid industrialization which took place during the period of study took its toll in property damage and human suffering. Silverman's discussion of the treatment of negligence in the trial courts is straight-forward and well documented, but his analysis is annoyingly abbreviated. He briefly acknowledges the introduction and development of such doctrines as contributory negligence and the fellow-servant rule but does not deal with the importance of the trial court application of these doctrines in the functional relationship between law and economic growth. Although Morton Horwitz is noted in the acknowledgments as having provided assistance to the author on this chapter, it is inexplicable why Horwitz's theory of instrumentalism and formalism is not dealt with in this context.

Regardless of its shortcomings this book will be profitable reading, particularly for the Canadian urban historian. As Silverman notes in his concluding remarks headed "Unanswered Questions," "A combination of people and activities similar to those that produce Boston's lawsuits should have generated roughly the same litigation pattern elsewhere" (p. 148). The Canadian metropolises experienced similar development during the late nineteenth and early twentieth centuries. Individual differences in the local processes of urbanization, industrialization and commercialization would surely invite speculation and research. In this respect the book provides ample evidence of the value of legal history to the scholar in almost any historical field.

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Horowitz, Murray, M. *Brooklyn College: The First Half Century*. Brooklyn College Studies on Society in Change. New York: Brooklyn College Press, 1981. Pp.xv, 271. \$22.50

In 1847 the citizens of New York City approved a "Free Academy of the poor man's children," a concept from which grew the City University of New York and its components. This was an innovative idea, an institution for higher education specifically created for an urban population on a free tuition basis. Murray Horowitz, Professor Emeritus of History at, and alumnus of, Brooklyn College (Class of '38), has written a history of one of the results of this ongoing experiment in urban education, Brooklyn College, on the occasion of its fiftieth anniversary.

As Professor Horowitz notes, such an undertaking is a difficult one, especially when the period is so recent and so many alumni and participants are alive and carrying with them their own perceptions of "the way things were." Per-