

BOOK REVIEWS

Government Adjustment of Labor Disputes. By Howard S. Kaltenborn. Chicago: Foundation Press, 1943. Pp. xiv, 327. \$3.50.

A critical appraisal of any book must, out of fairness to the author, be confined by his stated purpose. In the preface to this book the author sets up the following goal:

Many persons have written concerning individual labor adjustment agencies, but practically no one has attempted the larger task of encompassing within a single study a detailed survey of the activities of Federal, State, and local governments in the adjustment of labor disputes. This is the gap which this book is designed to fill.

The author achieves his purpose with competence but without critical insight or understanding.

In 255 compendious pages, the book offers a diligent and accurate collection of handy (though superficial) facts about various labor agencies and labor laws, federal, state, and local. The style is forthright though pedestrian and suffers from repetition of "main points" which exceeds the bounds of emphatic license. Because the book is mainly exposition, there is an absence of real synthesis, although the author's oft-repeated faith in the mediation process as our most effective weapon against industrial strife does provide a loose frame of reference for an otherwise miscellaneous collection of facts. (Incidentally, the reviewer shares, on a less enthusiastic level, the author's enthusiasm for mediation in the broad field of reaching collective bargaining agreements, as against the narrow domain of grievances arising out of the interpretation or application of those agreements, wherein arbitration alone is feasible. If management and labor do not work out their own accommodation, then government intervention in the form of mediation is in the long run more likely to succeed—the present emergency aside—than compulsory arbitration.)

Each chapter deals with a different government agency. The best chapter concerns labor adjustment in the railroad industry, although the author might have pointed up the distinction, mentioned above, between grievances arising under contracts, which should be arbitrated, and the contract provisions themselves, which should not. The success of the National Mediation Board should enhearten the devotees of mediation.

The chapter on the United States Conciliation Service is best characterized by what the Cambridge student called Jowett's lectures on Plato, namely, "faint glimpses into the obvious." One statement is worth controverting. The author, in justifying the union-affiliation background of most United States Conciliators, says that an "effective mediator must also have considerable knowledge of industrial and labor relations problems and practice and it is difficult to secure men with this requisite knowledge who have not at some previous time had partisan affiliations." This just is not so. A man with common sense, a knowledge of what makes human beings tick, a basic integrity, and a strong stomach will be a reasonably good mediator on his first case however meager his background in "practical industrial relations." This is so because the main problem in most mediations is, not marketing of labor-relations nostrums, but knowing how and when tactfully to save the face of one or both of the disputants. Nat-

urally, he will become more effective as he goes along, but this experience should come from mediating, not from a background of partisan participation.

The chapters on the National Defense Mediation Board and the War Labor Board provide a summary and uncritical biography of those agencies, but add nothing to our knowledge about them. The author might, among other things, have evaluated the problem of the proper scope of the board's jurisdiction in terms of the mounting backlog of unfinished cases. He might have mentioned the growing tendency of the parties, and of the conciliation service for that matter, to dump into the War Labor Board's lap all manner of trifling disputes which, but for the ready availability of the board, would be settled promptly by the parties themselves. The author's figures on the board's effectiveness in mediating disputes are misleading. He limits his analysis to cases as a whole instead of breaking the cases down into their component issues. Thus a case, in which ten of the twelve certified issues are closed by mediation with a directive order required only on the two remaining issues (a typical instance), appears in his tabulation as a case closed by directive order without any credit for the ten issues mediated. The discussion of wage policy is amazingly thin and uncritical stuff. One would think the author really believes that increases to correct "interplant inequities" are not manpower determination. One would also think that the author does not recognize the necessary distinction (never explicit in decisions, of course) between the application of stabilization policy in voluntary and disputed wage cases. The few pages devoted to maintenance of membership are of little value.

There is also a brief discussion of various state and local labor laws and agencies. Appendix A gives condensations of the state laws, but there is no critical evaluation and, in view of the reactionary features in many state labor laws, one could wish that the author had at least pointed out some of the potential dangers. In Appendix B the author sets forth a model permanent mediation act.

The author attempts to vivisect the mediation technique. The attempt is not altogether unsuccessful, and the excerpts quoted from the analyses of various famous mediators are alternately pompous and witty. But the author, perhaps out of squeamishness, misses the mark. The mediator must have a basic integrity, not the semi-perked kind of the successful arbitrator, but a down-to-earth honesty that will convince the parties he will not "sell them out" in his zeal to effect a compromise. At the same time, paradoxically enough, he must, in moments of self-honesty, confess (as did Shakespeare, who had nonetheless the basic integrity of an artist):

Alas! 'tis true I have gone here and there
And made myself a motley to the view,
God's mine own thoughts, sold cheap what is most dear,
Made old offences of affection new;
Most true it is that I have looked on truth
Askance and strangely

JOHN O. LEVINSON*

Municipalities and the Law in Action. 1943 edition. Washington: National Institute of Municipal Law Officers, 1943. Pp. 611. \$7.50.

While the federal Constitution provides that the war-making powers of the Republic shall be vested in Congress and the President, in a nation dedicated to local self-

* Member of the Connecticut Bar.