

Judges vs. Arbitrators

WHEN Kenesaw Mountain Landis, fortunately judge no longer, took time between jobs as Federal judge and as baseball pooh-bah to settle the Chicago building trades controversy he was hailed as a Daniel come to judgment. But his decision angered labor and has required a lot of enforcing from citizens' committees and others. Besides reducing wages and eliminating certain wasteful practices he reintroduced elaborate wage classifications of skilled, semi-skilled, and unskilled workers which are not in line with a sound labor policy. More recently, when Judge Martin T. Manton of New York, acting as arbitrator, decided a long-standing dispute between newspaper publishers and pressmen, a strike was narrowly averted by pleas to the honor of the workers who were already pledged to accept the arbitrator's decision. The union will make every effort to reopen the question. In both these cases, as in many others, the trouble, we believe, lies deeper than the unreasonableness so often alleged against labor or the inherent difficulties of the situation. Arbitration has won sullen acquiescence rather than consent from the men because the arbitrators have conceived themselves as judges applying a priori principles evolved from their own inner consciousness or from their legal training rather than from a study of the situation. Here, for instance, is Judge Manton's wisdom on employers and employees:

A clear statement defining an employer and employee is useful. An "employer" is one who uses or engages the services of another for pay. The employer is deemed to have superior choice, control, and direction of an employee and the employee represents his will, not merely in the ultimate result of the work, but in the details. The "employee" is one who engages in the performance of the proper duties assigned to him by his employer and contracts to do so for pay. He labors for the pleasure or interest of another. His duties should be defined and directed by his employer. The purpose and thought should be to increase the quantity and quality of work and add productivity inuring to the general wealth of mankind.

Acting on this principle the judge has with one stroke swept away customs and practices which have been established in newspaper pressrooms for twenty-five or thirty years. Although it makes no direct reduction in wage scales the union claims that the decision means a 35-per-cent cut in annual earnings of its members and, for 500 men, the loss of their jobs. Judge Manton has decided that the publisher has the sole right to determine the number of men on the presses. This had previously been determined by unreasonable orders of the union. Judge Manton has decreed eight instead of six hours for night work. He has further ordered a cut in over-time wages, and the elimination of any control by the union over the transfer of men from one press to another and over press-room foremen.

In a word, Judge Manton has now restored the former relationship between the publisher and the pressroom force. Hitherto the workers, through their union, have had some share in the management of the plant. We are free to confess that the union's part in shop control was not always exercised in the best interest of the industry as a whole. But the essential point is that a certain amount of joint control over the pressroom had been worked out in the long period of dealings between the publishers and the union, and that Judge Manton, an outsider in the newspaper world, put an end to this control.

It would be natural to suppose that a man in such a position would not have the temerity to effect sweeping and drastic changes in a delicate and complicated machine without exhaustive study of the conditions of the industry. But, apparently, such is far from the fact. He has simply applied the preconceived opinion we have already quoted. Judge Manton as arbitrator acted like Judge Manton as judge. He was concerned primarily with the question of the guilt of the parties rather than with the sort of a settlement necessary to achieve peace and well-being in the industry. He reached his conclusion not by a study of the stresses and strains of the economic and human factors of a modern pressroom but by the imposition of an abstract legal principle into the complexities of a real situation. The results are, as might be expected, devastating. It is impossible to foretell what the outcome will be. For the present there is far more unrest and ill-feeling in the pressrooms than before the case came up, and the radical opponents of arbitration in the labor movement have another argument to hand. It is to be doubted whether peace with such complete victory for one side is a practical possibility even in a pressroom. One thing, however, is clear. It is impossible to bring law and order into an industry by crying guilty at several thousand men—no matter how guilty they may be. Industrial arbitration is essentially a political problem, and like all political problems nowadays it is rooted in economics and in industrial engineering. If arbitration is to survive as a method of settling industrial disputes there must be more statesmen as arbitrators—statesmen who know economics and the processes of industry and have more than a purely legalistic point of view.

Youth Is Always Right

THE keenest intelligence in the British Isles has recently uttered what is perhaps its keenest observation. The intelligence is, of course, Bernard Shaw's. The observation is that if a great teacher of his age has done all he ought to do he must expect, and he should desire, to come in time to seem outmoded, superfluous, even something of a nuisance. Thinking, Mr. Shaw perceives, is in this respect like walking: once the habit has been acquired the learner has to practice it alone. As he cannot be precisely the same person his teacher was, he must go by different paths to different goals. Indeed, the measure of the valuable teacher of thinking is his power to show his pupils how they may reach conclusions he himself never could reach. After Socrates, Plato; after Plato, Aristotle. It calls, indeed, for an almost inhuman degree of magnanimity to rejoice when we see ourselves distanced by those whom we first set upon their feet; Mr. Shaw's attitude of willingness, even of eagerness, is a sign of that capacity for elevated vision which has lent wings to his words and barbs to his truth. But his prompt admission of a thing which his mind lets him see is only what he has taught his followers, and his age, to expect of him. No matter if it does not flatter his pride. He does not have that kind of pride by the exercise of which a man would rather be president than be right. He knows that the life of thought depends not upon the fidelity with which it continues in one direction but in the vitality with which it stirs successive generations.

For thinking is part of the human process no less than play or work or love or aspiration. Its roots are in the

protoplasm and its nourishment comes from living growth. To look back over the long and jagged history of opinion is to discover that opinions rise and fall but that only the making and testing of opinion go on forever; and it is to discover that opinion has always prospered most when it was most nearly allied with the creative forces of youth. Perhaps one should hardly call it opinion at all when those who cherish it are following it in full pursuit. Perhaps, then it is instinct and little more. But the instincts of youth are precious as nothing else is precious. Youth, viewed broadly, is always right.

Viewed thus broadly, conservatism is the element of death and radicalism is the element of life. The human tribe, straggling through the wilderness of the world, perpetuates itself by begetting and bearing its young, who, at first protected by bosom and counsel, eventually detach themselves and move toward the front while their parents gradually slip toward the rear and are left behind. The process is cruel but it is real; and it is irresistible. What other course, after all, is there to take? Who knows where we come from or where we are going to? If youth has now and then plunged blindly along blind roads, so has age wrought incalculable evil by inquisitions and oppressions aimed to check the march of mankind in its natural advance. Experience grows cynical and lags heavily back, scorning the impulse to create. Youth staggers under the burden of freeing itself, as if it were not enough to perform the hard tasks and fight the bitter battles which the old men of the tribe "wish" upon it. No wonder high hearts falter under their fate when they do not rebel; no wonder they grow old so soon and take up the immemorial complaint; no wonder the youth of any particular generation always does so little. It is right but it is in the minority.

Fortunately years alone are not the final evidence of youth or age. Always there are wise men who, like Socrates or Goethe in their days, or like Bernard Shaw or Anatole France in ours, refuse to grow old as the seasons increase upon them. They put forth new leaves, they unfold new blossoms, with a continuous rejuvenescence. They are the links between young and old. Through their intercession youth grows conscious of the meaning of its urges, as it is already conscious of its essential rightness. Through their interpretation age is reminded of what, left alone, it would always forget: the generous intentions and the authentic power of youth. They are the true spiritual parents of the race. Yet what they do is no more than what all parents do who are not jealous of their children. They watch them at their wild games with joy that they are so strong. They offer advice which, they hope, may save them the experience of unnecessary pain and may help them to realize their potentialities, but they do not feel too much chagrin when the advice is slighted, knowing that wisdom is incommunicable and must be learned over again in person by each new apprentice to life. Alas that there are so few good or wise parents! It is the fault of the bad and the unwise if they find youth wilful, heedless, insolent. They have fixed their eyes upon individuals who go astray and not upon the larger drift in which life is perpetually renewed. Is life itself good or bad? There are, it is true, divergent answers to the question, but few are better than that of E. W. Howe, who says: "We have it, and must make the best of it. And as long as we do not blow our brains out, we have decided life is worth living." At least life is best where it is most vivid—in the heart and ways of youth.

In Lieu of the Laureate

WE are distressed to see that the Poet Laureate has failed to produce an official ode for the British royal wedding. We are so distressed that we hardly know whether to rummage through the archives of the Hanoverians for a substitute manufactured for some earlier occasion or to manufacture a new article ourselves. But let learning and poetry both serve us, with the aid of E. K. Broadus's agreeable new study of "The Laureateship" (Oxford).

Here, for instance, is a part of what the elegant Henry James Pye, George III's laureate, wrote when the Princess Charlotta Matilda of England married Prince Frederick William of Stuttgart:

Awhile the frowning Lord of arms
 Shall yield to gentler Pow'rs the plain;
 Lo! Britain greets the milder charms
 Of Cytherea's reign.
 Mute is the trumpet's brazen throat,
 And the sweet flute's melodious note
 Floats on the soft ambrosial gale;
 The sportive Loves and Graces round,
 Beating with jocund step the ground,
 Th' auspicious nuptials hail!
 The Muses cease to weave the wreath of war,
 But hang their roseate flow'rs on Hymen's golden car!

Or if this seems a shade heroic and a little old-fashioned, here are certain lines of Tennyson on the marriage of Princess Beatrice to Prince Henry of Battenberg:

The Mother weeps
 At that white funeral of the single life,
 Her maiden daughter's marriage; and her tears
 Are half of pleasure, half of pain—the child
 Is happy—even in leaving *her*!

And yet that seems to us to have a touch of insinuation that we should be the last to intend—though Tennyson cannot have meant it. Let us turn instead to Thomas Warton and his admirable compliments to a king with the same name as that of the present husband of England's queen:

Lo! the fam'd isle, which hails thy chosen sway,
 What fertile fields her temperate suns display!
 Where Property secures the conscious swain,
 And guards, while Plenty gives, the golden grain. . . .
 These are Britannia's praises. Feign to trace
 With rapt reflections Freedom's favorite race!
 But though the generous isle, in arts and arms
 Thus stands supreme, in Nature's choicest charms;
 Though George and Conquest guard her sea-girt throne
 One happier blessing still she calls her own—

and that happier blessing was of course the bride.

We find ourselves coming back to the bride, as one does when mortals are married. Here suddenly the homely muse of one of our republican poets overtakes us:

This George and Mary Windsor must have lots of sense as well as dust, to let their only daughter marry a man who is quite ordinary—a man at least who never had as good a start in life as dad, but is a boy of their own town, grew up there and there settles down. Well, that is how it ought to be, and if he sticks to business he will thrive and prosper till he may stand before kings and queens some day. And what if the new couple have to work and plan and scrimp and save a few years till they make their pile and can put on a better style? If they attempt it nothing loth it will be better for them both. Then hail the bridegroom and the bride! Let the nuptial knot be tied! Whatever others may prefer, her for him and him for her!