quarter-century, the need for effective functioning of this Academy will almost certainly be greater than during the years that are behind us.

V. THE TWENTY-FIVE YEAR MILESTONE

RALPH T. SEWARD *

We have reached a milestone—our 25th anniversary. This should not be primarily an occasion for looking backward. In the life of an organization, as in the life of a man, the challenges always lie ahead, and there is more to be gained from planning for the future than from remembering the past. Reaching a milestone, however, can well be an occasion for measuring the meaning of distance traveled—the worth and value of what has so far been done. To make such measurements, we must return to first principles.

We are here in many capacities. We are members and guests; we are arbitrators, labor representatives, and management representatives; we are husbands and wives, children and friends; we are old-timers who remember all or most of the 25 years, or we are newcomers who know about those years mainly by hearsay. But whatever our capacity, whatever the reasons that bring us to this room, we are all of us engaged in a quest for effective self-government. We are engaged in a race between the forces in our society that are fostering effective self-government and those forces—and they are very strong these days—that are obstructing effective self-government.

This all sounds pretty high-flown and dramatic, but I submit to you that it is one of the basic realities of our lives. Without effective government, in these confused, troubled, and threatening times, we cannot achieve or maintain a good life. Without effective *self*-government, we cannot define that good life in terms of self-realization. There cannot be effective self-government in society unless there is self-government in industry. And we are here tonight because in one way or another we are working toward effective self-government in industry—self-government which involves not only industry and labor but all sections of society that touch the processes of labor relations and that are touched by those processes.

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Arbitration, I have often said, represents a very small part of this total effort, but it is our part—the part that we are working with and in which we are trying to make our contribution. It is a very peculiar and—in terms of the quest for self-government—a very paradoxical institution. The two parties in dispute try to achieve self-government by turning a part of their decision-making power over to somebody else. Obviously, this paradoxical process requires great care, great thought, and great imagination. It requires a continual effort to see that the power temporarily exercised by the third party reflects the real aims and values of the parties who jointly delegate that power.

Four basic considerations must be balanced: considerations of communication—of how not only evidence and argument but basic values and assumptions can properly and effectively be transmitted to the arbitrator; considerations of expedition—of how the process can be made to work quickly enough to be effective; considerations of cost—of how the process can be kept from becoming too expensive for general use; and considerations of sound judgment—of how not only knowledge but wisdom and experience can be brought to bear in the decision-making process.

Balancing these four considerations can be quite a job, particularly when it requires the cooperation of two opposing power centers with changing and conflicting ideas as to the kind of balance that should be achieved. But this balancing act is the function and responsibility of all of us who have to do with this institution. We have now had 25 years of experience with the balancing act—and I want tonight to mention just a few of the things we have learned.

One thing we have learned, I think, is the importance of process and procedure. In the heat of a dispute, of course, the substantive issues—the questions of who will win and who will lose and *what* they will win or lose—seem all important. But looking back over 25 years of arbitration experience, I think we would all agree that individual decisions are not what stand out. Of course, we all remember some cases that were tough and some that were easy, some that were fascinating and some that were tedious, some that we are proud of and some that we would like to forget, but it is not our decisions that measure the progress of labor arbitration during the past 25 years. It is the growth and

development of the institution itself—its structure, its organization, its methodology. It is, for example, the various ways we have discovered of dealing with clogged grievance procedures; our experiments with expedited procedures, on the one hand, and with procedures that foster care and deliberation and exhaustive analysis of facts, on the other; procedures specially adopted for the handling of safety issues; procedures designed to bring specialized knowledge to bear on job classification or incentive cases; or rapid and simplified procedures such as those which the Steelworkers and the steel companies are now making available for the handling of non-precedent-making cases. It is by such developments in process and procedure that we really measure the growth and progress of arbitration. For one of the lessons the past 25 years have taught us is that in arbitration—as in so many areas of life—the methods we use are apt to determine the kind of results we can achieve.

A second thing we have learned is that if arbitration is to be effective, resort to it must never be an *abdication* of responsibility; it must be an *exercise* of responsibility. It is very easy to pass the buck to an arbitrator, and it is often done. I suggest that the results of passing the buck are uniformly deplorable. And they are particularly deplorable if the buck is passed not only with regard to the ultimate decision but also with regard to the procedure of hearing, consideration, and decision-making. Management and labor can get away with this sort of buck passing only if we are much better than we ordinarily are; for left to ourselves, the best we can ordinarily give you is an educated guess as to the nature of your problems and the kind of procedures, approaches, and principles that will meet them, and our guesses—however educated—can rarely be as accurate as your knowledge.

When you're bargaining with each other and run up against a tough issue that you'd both rather arbitrate than strike about, it is very easy simply to agree to arbitrate it and then turn your backs on the issue, heave a sigh of relief and say, "We got past that one all right; we've solved that problem." But I suggest that if that is all you do, you are in for trouble. I am speaking to management and labor, and I say: Though we will do our best, it is not wise or safe simply to throw your problems in our laps and walk away. We need you. The process of arbitration needs you because it is *your* process. Only if you are both in there working

with us the entire time, molding the procedure, working on the balancing of all those considerations I have mentioned: effective communication, adequate speed, the minimization of costs, and the creation of conditions which foster sound judgment—only, I repeat, if you make resort to arbitration an active and affirmative exercise of responsibility—can it work well.

The third lesson we have learned flows from the other two. Simply said, it is that the institution of arbitration must be able to change and adapt itself to meet changes in the problems it faces. Even after 25 years, of course, we still too frequently encounter the blueprint approach to arbitration—the idea that there is a standard device called arbitration that, when you agree to it, comes to you all assembled and packaged and ready to be plugged in. But we know how dangerous and misleading this approach can be. The agreement to arbitrate is only the beginning. One must work out how best to adapt the arbitration tool to the particular problems one is facing, just as plant engineers and set-up men adapt the set-up of a machine to the particular function they want it to perform.

The fourth lesson, I think, is one we are still in the process of learning, though it has been with us for some time: that as part of the process of adapting arbitration to meet changing problems, we must now learn how to make a tripartite system responsive to interests that are more and more becoming multipartite. I need only use such words as racial antagonism, sex discrimination, or the generation gap to indicate what I mean. The old days, when we arbitrators could think of ourselves as sitting in the presence only of management and labor, I think, have gone for good. You, management and labor, still create the process, still give us whatever authority we have, still write the contracts we must interpret and pose the issue we must decide. But more and more we are conscious, at our end of the table, that behind management and within management, behind labor and within labor, and surrounding us all are new social pressures, new power centers, new sets of values, to which this arbitration process must be responsive if it is to remain effective. Again, it is our joint responsibility to learn how such responsiveness is to be achieved.

The final lesson that we certainly have learned is that wise decisions on these matters cannot be made in the heat of controversy. And that is where this Academy comes in. Insofar as the

Academy has had a beneficial and effective influence on arbitration in the past 25 years—and insofar as it will have such an influence in the future—I think it is by providing all of us who participate in the process a chance to consider these problems together before the controversies arise and with the vision that can come from tripartite discussion in an atmosphere of relaxed friendship.

It is right, I think, that the Academy should sometimes meet apart from the representatives of management and labor. But I hope that it will never give up what has been developed over the past 25 years and is represented so well here tonight: the deep awareness of our joint interests and the feeling that, though we give you special tags and call you guests, you representatives of management and labor are not really guests but co-members or associates with us in our common effort to study and improve this process of arbitration to which we are all giving so much of our lives.

These 25 years have been good years. We have been through a lot and we have learned a lot. And the best thing about these years of the Academy has been the chance we have had—arbitrators and friends from labor and management—to face problems and learn lessons together. Clayton and I—and here I speak for each Academy member—have here in this room, in this Academy and among our guests—some of the closest and dearest friends we know. We thank you for those friendships and we are grateful for the 25 years.

But there is something more involved here than just friendship, precious as that is. It is the fact of our association in this common quest to improve this institution—this part of our effort as a people to learn how to govern ourselves. We can all thank each other for this. And we can all be grateful that as we move forward into the next 25 years, all of us—arbitrators, labor, management, families, and friends—move forward together.