ARBITRATION
AND
SOCIAL CHANGE

ARBITRATION AND SOCIAL CHANGE

PROCEEDINGS OF THE TWENTY-SECOND ANNUAL MEETING NATIONAL ACADEMY OF ARBITRATORS

Colorado Springs, Colorado • January 29-31, 1969

Edited by

Gerald G. Somers

Chairman
Department of Economics
The University of Wisconsin

With the assistance of
Barbara D. Dennis
Editorial Assistant
The University of Wisconsin

The Bureau of National Affairs, Inc. Washington, D. C.

Printed in the United States of America
Library of Congress Catalog Card Number: 55–57413
Standard Book Number: 87179–067–X

13

CONTENTS

For Aaron Horvitz

September 19, 1968

"Blessed are the peacemakers," it is said, "for they shall be called the children of God." Aaron Horvitz spent his life as a peacemaker.

However (and I say this lovingly), for a peacemaker Aaron made a noise like the most bad-tempered and most irritable man in town. Strangers listening to him for the first 30 seconds could be forgiven for thinking of him as a monster of irascibility. Nobody, they thought, could be quite that cranky. Whoever they were—management or labor representatives, waitresses, taxi drivers, witnesses at hearings, airplane stewardesses, elevator operators, the children of his friends—they realized in a flash that what they were observing was the role-playing of a man with an open and soft heart: a man who was so full of affection and compassion that he could not hazard disclosing how he really felt. He was a sentimentalist and a lover, and he responded to affection with gratitude and a fierce and touching devotion. Aaron did not trust himself to reveal his true sweetness and tenderness, so he cast himself as a curmudgeon, a part he played with zest. But his performance, as I said, never impressed his audience. Everybody who knew Aaron knew that he was a sweet and good man acting in an exaggerated and bizarre manner in the course of a playful impersonation.

Aaron's long and rich professional life is too well known to all of you here and to his thousands of friends and acquaintances over the country to require elaboration. It is enough to say that Aaron, along with Max Copelof and a handful of old-timers, set out the footings and laid the foundation stones of the House of Arbitration. The history of the development of arbitration as a process for the resolution of labor-management disputes is the history of Aaron's career. If there is any wisdom or good sense in arbitration decisions made by my arbitrator colleagues and by me, you may be sure that it is based on guidelines and benchmarks laid down in the hundreds of precedent-making awards issued by Aaron in the early days of arbitration. The extent of the debt which our industrial society owes to the uncommon competence and the high professional ideals of this man will never be fully known or appreciated.

Is there any objective to which a man might dedicate his life that is more worthy and blessed than the resolution of conflict? It was to that objective that Aaron's long and distinguished career was devoted. For decades, in the infancy of arbitration, he travelled by train, automobile, and plane to remote areas in the North, East, South, and West, in the mountains, the plains, and the deserts, the large and small cities, frequently at great inconvenience, to sow the seeds of industrial peace. In many scores of places to which I have gone as an arbitrator, I found that on many occasions in the past Horvitz had been there before me. The representatives of the employer and the union frequently asked me whether I had seen their dear, valued, and esteemed friend, Aaron. I have listened to hundreds of tales of what had occurred when they had been last visited by the Greatest Arbitrator in the World—the title that identified Aaron and no one else in the National Academy of Arbitrators. Arbitration is a relatively recent development in our industrial society; any folklore it may have is related to Aaron and the things he said and the things he did. Aaron's life was inextricably bound up with the lives of legions of people in the labor movement and in management. They not only loved him—they respected him for his intellectual honesty and his hard and clear-eyed view of the realities in a world misted over with fantasy, self-delusion, and partisanship. He was admired for his steadfast dedication to the role of impartiality.

Aaron was not a detached, aloof, or unconcerned arbitrator. His opinions were strong, pungent, forthright, and unequivocal. The parties at his hearings were always acutely aware of his reactions to the testimony presented. Aaron was not one to seek refuge in the protocol or ceremonial rites of arbitration. When one of the parties was clearly in the wrong, Aaron found ways to communicate it to him and to give him an opportunity to resolve the dispute himself without the arbitral award. While his procedure was frowned upon by some, it delighted and was richly appreciated by Aaron's clients. They enjoyed and valued the highly dramatic experience of being lectured to by Aaron—a procedure not recommended to arbitrators with less colorful, attractive, and forceful personalities. Aaron's strong personal views, however, did not color his decisions. Impartiality in the pursuit of his profession was, to him, like a religion.

I was one of the many youngsters who sat at the feet of the Greatest Arbitrator in the World and learned about arbitration. I am confident that I speak for scores of my colleagues when I recognize, with grief, that we shall never be able to discharge our debt to him.

Whenever I showed Aaron one of my decisions covering more than two or three pages, he scolded me roundly. "Make it short," he used to say, "and then reread it and make it much shorter." He had nothing but scorn for tedious length. I hope that in this very last service I can

perform for my beloved friend Aaron, I have not sinned against his stern commandment forbidding verbosity, prolixity, and long-windedness.

On behalf of his arbitrator friends and the thousands of employer and union officials who esteemed and loved him, I say farewell to Aaron. He was a very good man and a man of worth.

Delivered by Peter Seitz