

WASHINGTON UNIVERSITY LAW QUARTERLY

Volume 1949

FALL, 1949

Number 1

FOREWORD

After a lapse of seven years covering the period of World War II and its aftermath, the Washington University Law Quarterly resumes publication with this issue. The Faculty of the School of Law envisage the role of a law review as involving two principal functions: first, as an aid to the busy practitioner and, second, as a medium of student expression with the concomitant training and experience in research. In performing the first function, objectives and the treatment of legal subjects must be broad without being vague or abstract. Except as a forum for idealistic suggestions in the fields of legislative and judicial legislation, it is not the job either of a law review or of a law school to instruct in "the law that is not the law of any particular state." To be of the greatest value to the lawyer, a review must be to a large extent local. But it must not be parochial; the value of the comparative method is self-evident.

It is hoped that, in providing a forum for student expression, the present issue of the Quarterly may also contribute to attainment of the first objective. Departure from the usual type of student contribution has here been deliberate. The reader will find no review of court decisions on—or remotely related to—some abstruse legal point. Rather, the Board of Student Editors has chosen to survey the mass of published raw material now issuing forth in the fast developing field of labor arbitration and to inaugurate the resumption of publication by intensive studies in the arbitrator's treatment of the subject of discharge. To a great extent, the impetus leading to this decision was given by the Institute on Labor-Management Relations established by the School of Law in the spring of 1949. The leading articles of this issue are revisions of addresses made at that Institute.

The theme, by and large, was peaceful solution of a human problem. Hence it seems especially relevant to supplement them with the detailed consideration of the treatment accorded a controversial issue in the non-court, unofficial field—in a tribunal instituted by the parties themselves. It would be too bold to attempt to prophesy the course of development of labor arbitration or to prognosticate the degree to which arbitrators will approach uniformity in their holdings on similar fact situations. Inevitably related to the latter subject is the problem of the persuasiveness of precedent. In this field we have no hierarchy of tribunals and hence the foundation of the doctrine of *stare decisis* is lacking. But be that as it may, there should be little doubt of the value of a study of what others—others to whose integrity Management and Labor have been content to trust the solution of their difficulties—have done under similar circumstances and of the ideas which have influenced them. Further studies may be expected.

WAYNE L. TOWNSEND
DEAN