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Volume 38, numéro 2, 1983

URI : https://id.erudit.org/iderudit/029369ar
DOI : https://doi.org/10.7202/029369ar

Citer ce compte rendu

États-Unis comme, par exemple, l’arbitrage commercial, l’arbitrage dans le secteur des sports, des chemins de fer et des lignes aériennes, dans le secteur public ou dans le service postal. Une brève section intitulée «Foreign Arbitration» traite de l’arbitrage international et, il est intéressant de le mentionner, de l’arbitrage en droit canadien.


Finalement, sous forme de tableaux synoptiques, on retrouve un sommaire des règles applicables à l’assignation des témoins et aux règles de «discovery» pour les divers États américains et de différentes provinces canadiennes. Incidemment, on est surpris de constater que ces tableaux sont incomplets en ce qui concerne les provinces canadiennes, les renseignements requis relativement à trois des dix provinces étant décrits comme non disponibles au moment de la publication.

Ce ne sont certes pas les très brèves mentions de la situation en droit canadien qui sont susceptibles de conférer quelqu’intérêt que ce soit à ce document pour le secteur habitant de ce côté-ci du quarante-cinquième parallèle. L’intérêt du volume réside plutôt dans le fait qu’il est rédigé essentiellement dans une perspective «pratico-pratique». En ce sens là, le praticien, ou celui qui veut le devenir, pourra y trouver des informations intéressantes sur la façon de structurer et d’acheminer son dossier, ce, malgré le fait que ce document soit rédigé essentiellement compte-tenu de la pratique et de la législation américaines en la matière. À cet égard, il convient de souligner le prix élevé de ce volume (58.50$ U.S.).

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This is an approach alternative to the most of Anglo-Saxon approaches treated by the authors as unduly deterministic and empiristic. In this approach organizations are taken as human constructs exposed heavily to a counter-intuitive effect, open to biases and distortions, only partly rational, difficult to predict and judge. “Men build organizations to solve problems otherwise intractable” (p. 4). There is no one best way or the best contingent solution as regards the organizational field and the structured games played on it by people involved in organizations which exist “not so much because, but in spite of, the strategies of their members” (p. 6).

From this theoretical perspective, uncertainty and power are the key concepts. By gaining control of crucial uncertainties people establish their power. The cooperation between people within organizations is possible mainly due to the coordination, regulation and taming of power.

In the modern societies we are progressing to the more complex and at the same time more open (free from taboos) kinds of collective actions, and this has a major consequence for the nature of organizational games played by people. Flexibility and inventiveness become a necessity; authority and power are open to questioning; the organizational models have to be continuously confronted with the reality.
The authors are strongly against the underevaluation of human capacity to beat the system. They claim that conditioning has a real impact only in conjunction with constraint, and the process of internal and external bargaining is a permanent reality in organizations. They also claim that the formal system represents a response to informal practices and a solution to the problems they pose. "Human behavior is always the expression and consequence of freedom, no matter how minimal that freedom may be" (p. 19).

People as individuals as well as groups follow strategies allowing them to achieve their goals within limits as they are perceived and experienced by them. The margin of liberty enjoyed by people in relation to others they depend on, is the source of their power within organizations. The power of an individual or group, or social actor, is "a function of the size of the zone of uncertainty that the unpredictability of the actor's conduct enables him to control vis-a-vis his partners" (p. 34). The sources of power are located in special skills, functional specialization, the relations between the organization and its environment, control of communication and information, and even in the existence of general organizational rules. By using these sources of power, the organizational members establish their relative positions in the shadow organizational structure. "This parallel power structure, which completes, modifies and even nullified the formal plan, is in fact the real chart of the organization" (p. 44).

We can ask ourselves not only how close to the reality is the model above mentioned, but also how good is the behavior exposed by it for the well-being of organization. Somebody may argue that in the societies characterized by a highly conflictual nature of organizational structures the power play is a fact of life and only in such a case the model proposed by both authors may be closer to reality than many other theoretical models. However, it is necessary that the authors emphasize power mainly in a methodological sense and suggest the necessity to check always empirically how dependent people are on each other. They do not make any a priori assumptions about the substance of power. Why people depend on each other may be highly objective or highly subjective, clear or vague, fragmental or wholistic. In all these cases the basic methodological suggestion is to ascertain empirically what is the nature of the link that keeps people within organization and limits their freedom of withdrawal.

The subtle character of power as perceived by the authors defends them against the accusation for reductionism. They do not establish a priori how much people are dependent on each other by becoming parts of an organization. They also do not make any general statements about omnipotence of organizations, alienation of individuals, etc. The fact that power is an important factor in the network of human relations does not lead the authors to any far reaching generalizations that are taken so easy (and so vaguely) by many critics of modern societies, particularly by Marxists. According to Crozier and Friedberg, the organizational reality is more multidimensional and complicated than some people would be willing to admit.

A much new approach is taken by the authors in the treatment of culture understood by them as an individual as well as a collective capacity to organize mutual relationships with others. There is always an affective problem posed by a relationship with another person, insofar as such a relationship involves power and the risk of dependence (p. 104). "Every relationship with another person is strategic and involves a component of power, however repressed or sublimated" (p. 105). By learning their social roles, the human beings gain more or less capacity to deal effectively with others. There are many differences between people in their relational capacities and depending on the local culture there is more or less ability and willingness to cooperate with others. The environmental factors much influence the local cultures and make them more or less open to cooperation or conflict. Organizational culture may be learned by people and improv-
Another question is how much a given organizational culture allows people to be open to new insights and experiences. Several cultures remain very closed and are a major obstacle in any innovation. The role of culture may be positive or negative in relation to the organizational effectiveness, commitment of people to organization, perspective of an individual growth within the organization, etc.

The role of power in organizations also is at least partly conditioned by the culture which surrounds them and provides an inspiration, sanctions the set of rules, makes people more or less dependent on each other. There is an obvious moral and social cost of a continuous power struggle and at least some societies, primarily the Japanese society, are not willing to pay it.

The transformation of power relationships into the mutual trust and cooperation relationships based on an appropriate organizational culture is something much desirable which seems to be missing in the book here under review. It is also a matter of fact that in work relationships not always and not everybody takes a manipulating approach: to gain most at the expense of others and to the maximal benefit to ourselves. For a variety of reasons, several individuals and groups withdraw from the power struggle at least temporarily and are willing to sacrifice their own good to the benefit of others and to the good of organization. The altruistic types of organizational behaviour do not seem to be acknowledged by the authors and this limits to some extent the scope of phenomena suitable for the analysis proposed in the book here under review.

The same critical remark is applicable also to the game as an instrument of an organized action. According to the authors, "the actor will always try to profit from his margin of liberty" (p. 44). Negotiation and manipulation are very often used by people in organizations, but whether really is it always so? Taking advantage, maneuvering and other defensive or gainful activities may be widely practiced and accepted in one environment but treated as shameful in another environment. The dependence on others may appear as a nuisance under one set of circumstances but will be welcomed in another.

The authors seem to have in mind a society consisting of the highly egoistic individuals oversensitive about their personal sphere of freedom and treating relations with others as a dangerous field full of traps. However, is it really true for all social situations across the multicultural dimension? What about the socializing capacity of organizations? As may be seen on the example of Israeli kibbutzes or the Japanese big enterprises, the organizational socialization in some cases may be quite effective. Why to omit its role in shaping human relations within organizations? The organization exists not "only by virtue of the partial objectives and rationalities of its component groups" (p. 46) but also by virtue of some common factors providing enough sense and cohesiveness.

Of course, the authors are right about the constant threat coming from centrifugal tendencies. However, are these tendencies the only factor in the organizational life? One thing is to criticize those who neglect the role of internal pressures in the model of organizations. Another thing is to deny the identity of organization as a cohesive object.

In the mass society based mainly on an artificial manipulation — and this theoretical model seems to be more and more applicable to the democratic West as well as to the communist East — socio-moral bonds are weak and organizations as institutions of such society are the particularly suitable objects of analysis as formulated in the book here under review. As long as institution is something imposed from the top, violating the sense of justice and the commitment to freedom, as well the vested interests of common people, there is also not much room for a genuine socialization.
The intention of authors is to argue convincingly that the occupants of organizational roles do not necessarily conform to expectations, as this was wrongly assumed by structural functionalists (p. 49). However, why to go so far as to neglect the placement of collective bodies, in this case organizations, over and above the individuals? The argument that the individual always escapes collective pressures and manages somehow to exercise his freedom (p. 50) does not seem to be strong enough in this respect. The same is valid for the argument that “the how of integration has not hitherto been sufficiently penetrated with analytical tools” (p. 51).

Much more convincing is the point made by the authors that the organizational rules of the game constrain all participants but are necessary for them by securing their capacity to play. However, the text seems to suggest that the rules above mentioned are only the matter of negotiation when in reality they represent at least partly the higher interest and have a legal as well as a moral value. The argument that “formal structure has no rationality of its own” (p. 54) is not satisfying because it denies the fact that formal structure to a large extent is controlled from outside in the name of public interest.

Organization as a system reflects not only “the individuals and groups which make it up” (p. 54) but also the society in which is located. The authors are right declaring themselves against the reduction of organizational behavior to adaptation. However, two different things are here involved. One is the game concept understood as a “mechanism which men use to structure and regularize their power relations, while leaving these relations — and themselves — free” (p. 56). Another thing is the relation between what people actually do in organizations and the broader social framework. By taking the human behavior out of the general context we lose any genuinely sociological perspective. Structure taken from this perspective is definitely much more than a collection of games, and this is opposite to what the authors clearly suggest. According to them, formal structure is a provisional codification of a state of equilibrium among opposite strategies of power (p. 61). This definition nicely exposes the bargaining aspect but neglects the link existing between the micro- and the macro-structures. Exactly this link is particularly important for the role of management in organizations that is located on the border between various levels and spheres of activity.

The criticism by the authors of the theory of structural contingency is valid. They formulate in this respect the following question as crucial: under what conditions and through what mediating mechanisms do the contextual factors affect and modify (and in what sense) the rules of the game governing interactions in the system of action underlying the organization? It seems reasonable to agree with the authors that the organizational structures are not just products of specific contextual factors and that not much can be learned in this respect when neglecting the whole complication of mutual relationship. “Environmental “requirements” are not disembodies “factors” imposed on the organization by impersonal or automatic mechanisms” (p. 77). It is up to people to take them into consideration and incorporate into the organizational strategies. We deal in this respect not with determinism but with political and cultural factors that have to be adequately appreciated.

Cases analyzed in the book are quite often very interesting, for example the case of the French public administration system which “is a machine for manufacturing exclusions and privileges — which creates discontentment and malaise; but it is also a distribution mechanism, which spreads its favors around in such a way as to keep complaints below the danger level” (pp. 141-142). However, this book would need much more exemplification in order to make the reasoning of authors more convincing and penetrating the minds of readers. Empirical studies are utilized by the authors mainly to illustrate some points made by them and much less to prove the arguments.
This is to a large extent the problem of how organizational studies are usually done in France. Brilliant observations may be very illuminating but in addition to them it would be worth to make more studies based on clearly stated hypotheses, a convincing operationalization of concepts, the precise measurement of phenomena under investigation, and generalizations deducted from data in a verifiable manner. The relationship between the theoretical approach taken by the authors and the collection of empirical data remains far from being clear and much more systematic research would be needed in order to overcome the existing gap. From the data collection to the theory there is a long way and a better awareness of its would be much needed.

Summarizing our comments it is necessary to emphasize the main message of the book that the coordination and structuring of human activities is a problem to be resolved and not the consequence of a natural order of things. Organization is "a cultural construct which enables men to orient their behavior so as to achieve the minimum degree of cooperation which is necessary and which will also permit them to maintain their autonomy as free agents" (p. 117). When dealing with organizational facts it is necessary to take into consideration the systemic causality (as different from linear causality) which allows to understand how systems of action influence actors by limiting the objectives which they may reasonably set for themselves (p. 120).

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Cet ouvrage s’insère dans la collection «Management et organisation du travail» dirigée par l’un des auteurs Maurice Lemelin. C’est un recueil de textes, par conséquent, un ensemble de réflexions sur les concepts de productivité et de qualité de vie au travail, deux concepts qui recouvrent des réalités différentes et qui n’entretiennent pas nécessairement de liens de causalité entre eux, c’est-à-dire qu’une amélioration de la qualité de la vie au travail n’entraîne pas nécessairement une hausse de la productivité.

La première partie s’intéresse à la problématique de l’un et l’autre phénomène en faisant ressortir les malaises qu’ils recouvrent, de même que les défis qui se présentent aux gestionnaires, plus particulièrement, au gestionnaire des ressources humaines. Fernand Gauthier explique la conception élargie de la Q.V.T. qu’entend promouvoir l’Institut national de productivité. C’est une définition qui déborde la conception étroite et quantitative de l’économique pour s’appuyer sur celle de Jean Fourastier. Ce dernier considère la productivité comme étant avant tout une mentalité... une mentalité du progrès, de l’amélioration constante de ce qui est, d’une perpétuelle adaptation aux nouvelles conditions de la vie économique et sociale.

Pierre B. Lesage examine les diverses conceptions qu’on peut se faire des liens entre la productivité et la qualité de la vie au travail en décrivant quatre types de modèles: conflictuels à somme fixe; conflictuels à somme expansible; modèles à causalité linéaire; modèle postulant une cause commune aux deux phénomènes qui fait de la participation «une des approches les plus prometteuses».

Denis Roy, dans un quatrième chapitre, présente le modèle de Dolan et Arsenault sur l’explication du stress au sein des organisations du travail en le caractérisant comme étant un déséquilibre entre la poursuite de buts individuels et la poursuite des objectifs organisationnels. Ce modèle a déjà fait l’objet d’une publication de l’École de relations industrielles de l’Université de Montréal. Un tel modèle rend presqu’identique la problématique de la qualité de la vie au travail à celle d’une explication globale du stress au travail, de sorte que les interventions visant à