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Labor Law: "A Nation of Gushers"

Any day that you have an excuse to quote Mark Twain is a good day. From the Cato Institute's (and Hillsdale grad) [Tim Sandefur](#), via [Overlawyered](#):

The first Bearer that applied, waited below and sent up his recommendations. That was the first morning in Bombay. We read them over; carefully, cautiously, thoughtfully. There was not a fault to find with them – except one; they were all from Americans. Is that a slur? If it is, it is a deserved one. In my experience, an American's recommendation of a servant is not usually valuable. We are too goodnatured a race; we hate to say the unpleasant thing; we shrink from speaking the unkind truth about a poor fellow whose bread depends upon our verdict; so we speak of his good points only, thus not scrupling to tell a lie – a silent lie – for in not mentioning his bad ones we as good as say he hasn't any. The only difference that I know of between a silent lie and a spoken one is, that the silent lie is a less respectable one than the other. And it can deceive, whereas the other can't – as a rule. We not only tell the silent lie as to a servant's faults, but we sin in another way: we overpraise his merits; for when it comes to writing recommendations of servants we are a nation of gushers. And we have not the Frenchman's excuse. In France you must give the departing servant a good recommendation; and you must conceal his faults; you have no choice. If you mention his faults for the protection of the next candidate for his services, he can sue you for damages; and the court will award them, too; and, moreover, the judge will give you a sharp dressing-down from the bench for trying to destroy a poor man's character, and rob him of his bread. I do not state this on my own authority, I got it from a French physician of fame and repute – a man who was born in Paris, and had practiced there all his life. And he said that he spoke not merely from common knowledge, but from exasperating personal experience.

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