

# CIPD

Championing better  
work and working lives

## Research report

August 2015



Ethical  
decision-making:  
Eight *perspectives*  
on workplace  
dilemmas

The CIPD is the professional body for HR and people development. The not-for-profit organisation champions better work and working lives and has been setting the benchmark for excellence in people and organisation development for more than 100 years. It has 140,000 members across the world, provides thought leadership through independent research on the world of work, and offers professional training and accreditation for those working in HR and learning and development.

# Ethical decision-making: Eight perspectives on workplace dilemmas

## Research report

### Contents

Acknowledgements	1
Foreword	2
Introduction	3
Executive summary	6
1 The Fairness Lens	8
2 The Merit Lens	12
3 The Markets Lens	16
4 The Democracy Lens	20
5 The Well-being Lens	24
6 The Rights and Duties Lens	29
7 The Character Lens	34
8 The Handing Down Lens	39
Conclusion	43

### Acknowledgements

This review was written by Dr Sam Clark, Lancaster University, for the Chartered Institute of Personnel and Development.

# Foreword

*‘This review will help us develop a clearer definition of what better work and working lives means.’*

As the professional body for HR and people development, our goal is to support the profession in championing better work and working lives. We remain focused on finding the sweet spot between the construct of work itself and people’s experience at work, and championing people management systems and practices that create value for the employees, businesses, economies and society.

We are continuously advancing HR knowledge in the areas of work, workforce and workplace to evolve standards for ‘good’ people management. But, as the world of work is evolving fast and is growing more diverse, there’s no ‘golden rule’ or ‘best practice’ that enables HR professionals to operate effectively in this rapidly changing environment. Deliberation and situational judgement, informed by the latest evidence, are among the core skills that will define the HR profession of the future.

Practitioners’ ability to recognise and resolve ethical dilemmas is fundamental to remaining effective and gaining trust with its key stakeholders, when exercising professional judgement. Tailoring people management solutions inevitably raises questions of fairness, trade-offs between the short-term and long-term horizons, and the interdependencies between businesses and the local communities they operate in. Should work always be good for people, or do difficult times call for difficult measures? Do talented, hard-working people deserve to make more money than those

who need it the most? Should people have a say in what happens to them at work, or would that conflict with efficient business operations?

This review is focused on helping practitioners navigate their choices about designing and implementing HR systems and practices, by describing key ethical perspectives on work, highlighting the tensions which practitioners are likely to face when making a decision. Conscious deliberation of these options, we believe, will help create organisations that aren’t just effective in pursuit of their instrumental interests, but are sustainable, because they create shared value for people, the business and society.

Ultimately this review will feed into our People Profession: now and for the future strategy. It will help us develop a clearer definition of what better work and working lives means; identify the basic principles that constitute good people management and development, regardless of the context; and explore how the CIPD and the HR profession of the future will help organisations put those principles into practice.

# Introduction

Work is fundamental to all our lives. It's a central arena in which we understand and shape our lives and ourselves. We inhabitants of modern state-capitalist societies spend far more of our lives at work than, for example, hunting and gathering peoples, and our work is also distinctive in kind: most of us work as *employees* in *bureaucratic organisations* which *divide labour* into distinct specialisms, and especially into *head* (supervisory, planning) and *hand* (order-following, menial) work. The historically peculiar volume and nature of modern work makes it a pressing ethical problem for us.

Contemporary moral and political philosophy has had surprisingly little to say directly about work (with some honourable exceptions, for which see 'Further reading' below). But work vividly raises questions which are central to philosophical ethics: about the justice of institutional processes and structures, about giving people what they deserve, about choosing and following rules, about collective decision-making and self-command, about living well, about rights, about what kind of person each of us should aspire to be, and about how individuals relate to our larger contexts in the world and over time. We can therefore bring philosophical approaches to those questions to bear on the subject of work.

The guiding question of this review is: *what ways of thinking about work does philosophical ethics offer?* This question is distinct from a question we won't address: *why should I do what ethics requires?*

The review describes ways people *can* and *do* think, but doesn't attempt to show that it *makes sense* to think in these ways, or to *decide between* or *criticise* different ways of thinking.

## What use are these ideas from philosophy?

First, ethical questions – questions about what we should do and be – *aren't optional for us*. Ethics isn't just for private life: to say, for example, *'I just pursue my organisation's aims when I'm at work'* already is an ethical decision, and a very dubious one – compare it with *'I was just following orders'*. Philosophical ethics addresses an inescapable part of our experience.

However, second, there is no algorithm for deciding what to do, and no option to delegate our dilemmas. The ideas described in this review are ways of elaborating, reshaping and expanding our responses to the choices that each of us can't avoid, not alternatives to choice or to thought. Thinking about what to do and be is never going to be a mechanical application of a rule: it's always going to require effort, imagination and judgement, and it's often going to be inconclusive. Philosophical ethics is a help, not a substitute, for ethical thinking.

We will answer the review's guiding question by describing eight ethical 'lenses': ways of seeing and re-imagining our ethical predicament. They are: *fairness, merit, markets, democracy, well-being, rights and duties, character,* and *handing down*. Each draws on a major tradition of thought

*'Ethics aren't just for our private lives, "I just pursue my organisation's aims when I'm at work" already is an ethical decision.'*

in philosophical ethics, but the territory could be mapped in other ways, and the review makes no claim to be comprehensive.

These lenses aren't necessarily mutually exclusive. Some might co-exist but be appropriate to different kinds of decision or situation. Some might support one another (the best case for *democracy* might be that democratic voice is a human *right*, for example). But there are also some tensions and potential confusions between them: some can't be applied at once (*fairness* versus *well-being*, for example); some are easy to conflate, but give very different advice once distinguished (*merit* versus *markets*, for example).

The rest of this review sets out these eight lenses. Each lens gives three layers of detail: a 'bumper-sticker' one-sentence description; a more detailed layman's description; and its philosophical background. We then consider the application of the lens to a running example, which can apply to a real-life situation in a business. That example is as follows:

*The Faculty of Arts and Humanities at Sun City University needs a new dean. (A dean is a senior academic administrator, typically responsible both for the strategic management of a faculty – a group of academic departments – and for representing that faculty in university-level planning.) What ethical considerations should we bring to our search for someone to take up this post, and to the situation more generally?*

For each lens, we will offer appropriate direction to thought about this case in order to help with application, but not to decide the case: again, there are no algorithms for ethical decision-making, and no option to avoid thinking about our ethical dilemmas. Each lens then ends with suggestions for further reading.

## Further reading on philosophy

### Modern and non-modern work:

BOURDIEU, P. et al (1999) *The weight of the world: social suffering in contemporary society*. Cambridge: Polity.

BRAVERMAN, H. (1974) *Labour and monopoly capital: the degradation of work in the twentieth century*. New York: Monthly Review Press.

DONKIN, R. (2001) *Blood, sweat and tears: the evolution of work*. London: Texere.

GINI, A. (2001) *My job my self: work and the creation of the modern individual*. London: Routledge.

LASLETT, P. (1965) *The world we have lost*. London: Methuen.

WRIGHT MILLS, C. (2002) *White collar: the American middle classes* (50th anniversary edition). Oxford: Oxford University Press.

SAHLINS, M. (1974) *Stone age economics*. London: Tavistock Publications.

SENNETT, R. (2006) *The culture of the new capitalism*. New Haven, CT: Yale University Press.

TERKEL, S. (2004) *Working: people talk about what they do all day and how they feel about what they do* (with a new foreword). New York: New Press.

### Ethics of work:

ARENDDT, H. (1999) *The human condition* (2nd edition). Chicago: University of Chicago Press.

CLARK, S. (2015) Good work. *Journal of Applied Philosophy*. Advance online publication. doi: 10.1111/japp.12137.

CRAWFORD, M. (2011) *The case for working with your hands: or why office work is bad for us and fixing things feels good*. London: Penguin.

LANE, R.E. (1991) *The market experience*. Cambridge: Cambridge University Press.

MCCLOSKEY, D.N. (2006) *The bourgeois virtues: ethics for an age of commerce*. Chicago: University of Chicago Press.

MUIRHEAD, R. (2004) *Just work*. Boston, MA: Harvard University Press.

WALZER, M. (1983) *Spheres of justice: a defense of pluralism and equality*. New York: Basic Books: Chapters 6 and 7.

### Introductions to moral and political philosophy:

BENN, P. (1998) *Ethics*. London: Routledge.

BLACKBURN, S. (2001) *Being good: an introduction to ethics*. Oxford: Oxford University Press.

MILLER, D. (2003) *A very short introduction to political philosophy*. Oxford: Oxford University Press.

KNOWLES, D. (2001) *Political philosophy*. London: Routledge.

NORMAN, R.J. (1998) *The moral philosophers: an introduction to ethics* (2nd edition). Oxford: Oxford University Press.

SWIFT, A. (2001) *Political philosophy: a beginner's guide for students and politicians*. Oxford: Polity.

WILLIAMS, B. (2003) *Morality: an introduction to ethics*. Cambridge: Cambridge University Press.

WOLFF, J. (2006) *An introduction to political philosophy* (revised edition). Oxford: Oxford University Press.

# Executive summary

A large proportion of our lives is spent at work, and so the workplace becomes a central arena through which we understand and shape our lives and ourselves. For example, work, and the outcomes of working – such as the decline of trust in large corporates and growing wage inequality – raise fundamental questions about the role of business in society, the legitimacy of bureaucratic structures, and the meaning of organisational justice.

Ethical questions about what we should do and how we should behave at work aren't inescapable. Avoiding responsibility, for example, by saying, *'I just pursue my organisation's aims when I'm at work'* is an ethical choice in itself, and a very dubious one – compare it with *'I was just following orders'*.

At the same time, there is no algorithm for navigating workplace dilemmas, as different situations and contexts highlight different ethical tensions. There will never be a 'golden rule' that fits all ethical decisions: it's always going to require effort, imagination and judgement, and the outcome is often going to be inconclusive.

This review aims to aid ethical decision-making by describing the possible ways of thinking about work as offered by philosophical ethics. It identifies eight lenses, none of which represent the 'right' or 'wrong' ways of making decisions in the workplace, but offer different perspectives on work dilemmas. The lenses are:

## 1 Fairness

*Everyone in an organisation should be able to agree to it, whatever their place in it.*

To see what universal agreement requires, ask yourself, 'How would I design this if I knew I was going to be in the *worst* position my design creates?' So, for example, if you're designing a disciplinary procedure, you should ask yourself, 'How would I want this to work if I were falsely accused of a firing offence?' A procedure which you wouldn't accept if you were in that position wouldn't be accepted by whoever *actually* occupies that position, and therefore couldn't be accepted by *everyone*, and should be rejected as not fair.

## Summary of the eight lenses

<b>Fairness</b>	<b>Merit</b>	<b>Markets</b>	<b>Democracy</b>
<i>Everyone in an organisation should be able to agree to it, whatever their place in it.</i>	<i>Jobs and their rewards should track talent and hard work.</i>	<i>Jobs and their rewards should follow from voluntary market exchanges.</i>	<i>No one should be subject to a regime in which they have no say.</i>
<b>Well-being</b>	<b>Rights and Duties</b>	<b>Character</b>	<b>Handing Down</b>
<i>Work should be good for us.</i>	<i>Everyone has rights to do some things and to be free of some things, and everyone has duties not to violate others' rights.</i>	<i>Each of us should work to develop the best ethical character for our roles.</i>	<i>We can't reinvent or master the world, and are instead responsible for conserving and maintaining the small part of it over which we currently have stewardship, and for passing it on undamaged to our descendants.</i>



## 2 Merit

*Jobs and their rewards should track talent and hard work.*

According to this lens, workplaces should be designed to guarantee *equal opportunities*: to prevent interference from irrelevant characteristics such as gender, race, sexuality and social class, and to allow actual merit (worth, quality, personal value) to show itself. So, for example, hiring procedures should exclude irrelevant information about gender and race, and avoid bias, by anonymising CVs.

## 3 Markets

*Jobs and their rewards should follow from voluntary market exchanges.*

This lens suggests that ethical rules neutrally referee and put bounds on our voluntary interactions, but don't pursue any particular outcome. *Any* distribution of positions and their rewards which results from exchanges and agreements between individuals, within the rules, is an ethically acceptable distribution, whether or not it tracks merit or any other pre-existing pattern. Some people are lucky enough to have scarce qualities which are in demand: it's ethically acceptable, even though not merited, that they command high wages. So, for example, the just wage for a CEO or a nurse is the current market rate for CEOs or nurses, and nothing to do with how talented they are, nor how hard they work, nor equal distribution, nor any other patterned distribution.

## 4 Democracy

*No one should be subject to a regime in which they have no say.*

The democratic perspective says that if a decision affects your interests, you should be involved in making it, and that includes decisions about how your workplace is organised and run. Workplaces should be designed to create effective voice for everyone whose interests are at stake. So, for example, corporate policy should be made democratically by all employees (and perhaps by members of wider communities whose interests are also at stake in corporate decisions). Corporate policy-making by an unelected CEO or board is tyranny, just as state policy-making by an unelected monarch is.

## 5 Well-being

*Work should be good for us.*

Work is one of our main arenas of practice towards living well or having *well-being*, or one of the main threats to doing so. According to this lens, workplaces should be designed to promote well-being for its own sake, not just because of its instrumental benefits for morale or efficiency.

## 6 Rights and Duties

*Everyone has rights to do some things and to be free of some things, and everyone has duties not to violate others' rights.*

Through the Rights and Duties Lens, human rights forbid some actions and demand other actions, regardless of their consequences. The idea of rights is immensely successful in practice, as shown for example by the influence of the United Nations' *Universal Declaration of Human Rights* – even though it raises troubling problems in philosophical theory. So, for example, workplaces ought to respect human rights to equal pay for equal work and to join unions.

## 7 Character

*Each of us should work to develop the best ethical character for our roles.*

A *character* is a set of deep, consistent, closely connected psychological tendencies to feel and act in the right way (these tendencies are sometimes called *virtues*). Having character involves committing to and caring for particular individuals and institutions. According to this lens, we should face ethical dilemmas by trying to become more like our heroes and to treat the particular people and things we care about rightly and lovingly, rather than by trying to apply abstract general rules. So, for example, if you're offered a bribe, you should think about what the best people you know would do in this situation and try to be like them, rather than trying to find a rule to follow or to reason your way impartially to an answer.

## 8 Handing Down

*We can't reinvent or master the world, and are instead responsible for conserving and maintaining the small part of it over which we currently have stewardship, and for passing it on undamaged to our descendants.*

This covers the institutions we work in, the wider political and social world they depend on, and the natural environment we all depend on. According to this lens, workplaces should be designed and assessed with an eye to what we were given to look after by our predecessors, and which we'll hand on to our descendants. So, for example, keeping a firm in family ownership might be more important than maximising its short-term profits, and maintaining a natural resource might be more important than exploiting it.

**2**  
**The Merit  
Lens**

**3**  
**The Markets  
Lens**

**4**  
**The Democracy  
Lens**

**1**  
**The Fairness Lens**

Everyone in an organisation should be able to agree to it, whatever their place in it.

**5**  
**The Well-being  
Lens**

**6**  
**The Rights and  
Duties Lens**

**8**  
**The Handing  
Down Lens**

**7**  
**The Character  
Lens**

According to the Fairness Lens, everyone in an organisation should be able to agree to it whatever their place in it. To see what such a universal agreement requires, ask yourself, 'How would I design this if I knew I was going to be in the worst position my design creates?' So, for example, if you're designing a disciplinary procedure, you should ask yourself, 'How would I want this to work if I were falsely accused of a firing offence?' A procedure which you wouldn't accept if you were in that position wouldn't be accepted by whoever actually occupies that position, and therefore couldn't be accepted by everyone, and should be rejected as not fair.

### Philosophical background

This lens is based on the influential work of the twentieth-century political philosopher John Rawls.

Rawls's view is a development of the *social contract* tradition. Social contract theories begin with a story:

Once upon a time, humans lived without a government, without settled social institutions, without hierarchy, perhaps even as isolated individuals. Then, because that *state of nature* was less than ideal, we decided to get together and jointly agree to organise – to set up government or society – to make things better. And *because we all agreed to it*, what we set up was *justified*, that is, endorsed by morality or reason or rationality.

The contrast is with another, more realistic story:

Once upon a time, humans lived without government. Then, a group of bandits got fed up of living in tents and riding from village to village stealing, and settled down in one place. They intimidated the people there into paying them for 'protection', started telling their subjects what to do and punishing them when they disobeyed, made up stories about how the gods wanted them to be in charge... and turned into government. And because this government was set up by force and fraud, not by agreement, it wasn't justified.

Social contract theory at root says: the system or institution which was

(or could have been) set up by mutual agreement between free and equal people is ethically okay; the system which was (or could only have been) set up as a protection racket – for the benefit of some at the cost of others – is not. Any system or institution is to be morally assessed by investigating whether or not there would be compelling reasons for everyone to agree to it if we were setting it up out of the state of nature.

This story – from state of nature to agreement to justification – is a way of dramatising the idea that there are *no natural hierarchies* or institutions or authorities among people. Everyone starts as a free, uncommitted individual with equal standing. 'In the beginning, there were no kings, no landlords, no bosses.' In some earlier contract theories, for example John Locke's or Jean-Jacques Rousseau's, this starting equality is imagined as a real prehistorical time before humans formed communities. But of course there was no such time – we've been social animals since long before we were biologically human – and more recent contract theories have tended to use starting equality not as a description of prehistory, but to make vivid the basic *moral equality* or *equal standing* of all humans.

Contract theories' question is: *Given that there is no natural order, what artificial order should we make?* They answer it by considering what order free and equal individuals would have *reason* to make together. Most actual systems and institutions

*'To see what universal agreement requires, ask yourself, "How would I design this if I knew I was going to be in the worst position my design creates?"'*

have complex and ambiguous histories involving mixtures of violence and agreement, and most actual humans are not really free, factually equal, uncommitted individuals, but modern contract theorists are interested in whether our institutions *could* be agreed to rather than whether they *actually* were. Contract theorists' specific answers to their question differ, but the basic ideas behind them are (1) *impartial* (2) *construction* (3) by *agreement*.

(1) Starting equality in the state of nature is one form of *impartiality*: if we're all equally important, no one should get more creative authority than anyone else. Imagining yourself in positions other than your own is a way of dramatising and encouraging that impartiality. By thinking about what's acceptable from different perspectives, you can respect the equal standing of other people.

(2) If there's no natural order, we need to *construct* one to meet our needs. Order comes from us, not from outside (from gods or nature or tradition), and it's therefore up to us what order we make for ourselves to live in. And if the order we find ourselves in doesn't suit us, we can remake it.

(3) If the order we live in is up to us, and we are all morally equal, all of us need to *agree* to an order for it to be morally acceptable. No one has authority to impose an order on others, because authority is only created by the order we make together. One way of understanding that idea is as democracy: *actually* deciding on an order by debate and agreement from our different perspectives (see further Lens 4: Democracy). But contract theorists use the idea of consent in a different way: they try to show that it would be *reasonable* for an abstract

*representative person* to agree to a particular order, and therefore that everyone *hypothetically* consents or can consent to that order. This is why, in the short description above, I say, 'A procedure which you wouldn't accept if you were in that position wouldn't be accepted by whoever *actually* occupies that position, and therefore couldn't be accepted by *everyone*'. One reply is, 'perhaps whoever actually occupies that position has different needs or wants from me', which might be true, but misses the point about starting equality and its representation in contract theory.

Rawls calls his particular version of contract theory 'justice as fairness'. The detail is beyond our scope here, but at its root is the same idea of impartial construction by agreement. Rawls's equivalent of the state of nature is the *original position*, behind the *veil of ignorance*: we are to imagine ourselves as competent adults who know general facts about humans and human societies, but know nothing about our own particular abilities, character, life-plans, talents, gender, race, nationality or social position. Rawls's equivalent of the agreement is an argument that any such individual would agree only to institutions which

equally divide all the benefits of social co-operation (or which allow inequalities only when they make the worst off better off than they would be in the equal division, for example by incentivising talented people to become doctors). To agree to anything else would be to risk finding oneself in an unacceptably bad position when the veil is removed.

Think of dividing a cake between children: the best tactic is to give the knife to the oldest child and tell her she can cut any way she likes, but that she'll get last pick of the slices she makes. Because everyone behind the veil of ignorance is the same – all our differences are veiled – that any one individual would agree only to equality shows that everyone has reason to agree only to equality. So, only the egalitarian society is justified.

The original position and veil of ignorance obviously aren't real or even possible: they're a way of dramatising the kind of impartial thinking we need to do – *imagining* that we might be the person made worst off by the institution we're designing or assessing – if we're to ensure fairness in our actual institutions.

### The new dean

According to the Fairness Lens, we should focus on the institutions and processes by which we create and assign the role of dean: it's right to have such a system at all only if everyone could agree to it, and we test for that agreement by considering whether we'd accept being in the worst position we create. We need to think, for example, about whether our hierarchy incentivises talented, hard-working and decent people to train for and seek roles high in it, and about whether our recruitment procedures reliably pick out such people. We need to think about the situation of those potentially most badly affected by the dean's decisions – staff on short-term contracts, for instance. Would we accept being under the authority of the dean if we were in their position? What would the dean need to be and do, and how would they need to be selected, to gain our acceptance? Is there some other institutional arrangement which would better meet the demand for universal acceptance?

## Further reading on the Fairness Lens

### Rawls's relevant works:

RAWLS, J. (1971, rev. ed. 1999) *A theory of justice*. Boston, MA: Harvard University Press.

RAWLS, J. (2001) *Justice as fairness: a restatement*. Boston, MA: Harvard University Press.

RAWLS, J. (1993, expanded ed. 1996) *Political liberalism*. New York: Columbia University Press.

### Overviews:

<http://philosophyfaculty.ucsd.edu/faculty/rarneson/Courses/Rawlschaps1and2.pdf>

<http://plato.stanford.edu/entries/original-position/>

<http://plato.stanford.edu/entries/public-reason/>

### Textbooks and introductions:

FREEMAN, S. (2007) *Rawls*. London: Routledge.

KYMLICKA, W. (2003) *Contemporary political philosophy: an introduction* (2nd edition). Oxford: Oxford University Press: Chapter 3.

LOVETT, F. (2011) *John Rawls's 'A theory of justice': a reader's guide*. London: Continuum.

### More advanced work on Rawls and Rawlsianism:

DANIELS, N. (ed.) (1975) *Reading Rawls: critical studies on Rawls' 'A theory of justice'*. London: Basil Blackwell.

FARRELLY, C. (ed.) (2004) *Contemporary political theory: a reader*. New York: Sage: Parts 1 and 2.

FREEMAN, S. (ed.) (2003) *The Cambridge companion to Rawls*. Cambridge: Cambridge University Press.

GOODIN, R.E. and PETTIT, P. (eds) (1997) *Contemporary political philosophy: an anthology*. London: Blackwell: Part 3.

MATRAVERS, D. and PIKE, J. (eds) (2003) *Debates in contemporary political philosophy: an anthology*. London: Routledge: Parts 2 and 3.

NUSSBAUM, M.C. (2006) *Frontiers of justice: disability, nationality, species membership*. Boston, MA: Harvard University Press.

### Historically important contract theories:

HOBBS, T. (1994 [1651]) *Leviathan* (ed. Edwin Curley). Indianapolis, IN: Hackett.

LOCKE, J. (1980 [1689]) *Second treatise of government (properly An essay concerning the true original, extent, and end of civil government)* (ed. C.B. Macpherson). Indianapolis, IN: Hackett.

ROUSSEAU, J.-J. (1994 [1762]) *The social contract* (trans. Christopher Betts). Oxford: Oxford University Press.

KANT, I. (1970 [1793]) On the common saying: 'this may be true in theory, but it does not apply in practice'. In: *Political writings* (ed. Hans Reiss, trans. H.B. Nisbet). Cambridge: Cambridge University Press.

These texts are available in multiple editions, as well as free online in many cases. The editions suggested here are scholarly as well as easily available.

### Significant contemporary work in the contract tradition:

BARRY, B. (1995) *A treatise on social justice, volume 2: justice as impartiality*. Oxford: Clarendon Press.

GAUTHIER, D. (1986) *Morals by agreement*. Oxford: Clarendon Press.

HAMPTON, J. (1986) *Hobbes and the social contract tradition*. Cambridge: Cambridge University Press.

KAVKA, G.S. (1986) *Hobbesian moral and political theory*. Princeton, NJ: Princeton University Press.

SCANLON, T.M. (1998) *What we owe to each other*. Boston, MA: Harvard University Press.

**1**  
**The Fairness  
Lens**

**3**  
**The Markets  
Lens**

**4**  
**The Democracy  
Lens**

**2**  
**The Merit Lens**

Jobs and their rewards should  
track talent and hard work.

**5**  
**The Well-being  
Lens**

**6**  
**The Rights and  
Duties Lens**

**8**  
**The Handing  
Down Lens**

**7**  
**The Character  
Lens**

According to the Merit Lens, jobs and their rewards should track talent and hard work. This means workplaces should be designed to guarantee *equal opportunities*: to prevent interference from irrelevant characteristics such as gender, race, sexuality and social class, and to allow actual merit (worth, quality, personal value) to show itself. So, for example, hiring procedures should exclude irrelevant information about gender and race, and avoid bias, by anonymising CVs.

### Philosophical background

A *meritocratic* institution assigns position, wealth, power, status and other rewards in accordance with individual merit. Compare *meritocracy* with *aristocracy* as an alternative way to assign rewards: an aristocratic institution assigns rewards in accordance with ‘blood’, that is, accidents of birth. (The word ‘meritocracy’ was coined by the journalist Michael Young in his 1958 dystopia *The Rise of the Meritocracy, 1870–2033*, but his original satirical intent is now mostly forgotten.)

Meritocracy is one, popular version of the idea that the ethical thing to do is to *give people what they deserve*. This runs all through popular morality and common sense: we say that hard work deserves to be rewarded, that the better team deserves the championship (even if they didn’t actually win on the day), that good deeds deserve recognition, that criminals deserve to be punished, and so on.

Claims about desert have a distinctive three-part structure:

A *person* deserves a *treatment* (good or bad) in virtue of a *desert base*.

All three parts raise technical questions, but we’ll concentrate on desert bases: the base for deserving something might be a performance in an appropriate context (you deserve the gold medal because you won the 100-metre sprint final); it might be a mere random event (you deserve the jackpot because your lottery numbers came up); it might be an ongoing property (someone else deserved

to win the medal, because she’s the better athlete; you were just lucky on the day). We’re interested in this last kind of case, where the desert base is some deep and consistent property which *belongs* to someone.

In one sense, all theories of justice are desert theories, if justice is giving people what they are due. Some of these theories are egalitarian. We could say that the relevant desert base is ‘being human’, for example: all humans deserve equal treatment. But other theories, including the meritocratic theory, take it that the proper desert base for social reward is *unequally distributed*: some of us have more of it than others, and should therefore get a larger share of the available rewards than others.

The meritocrat typically claims two things:

- 1 The proper desert base for position, wealth, power and status is *merit*, understood as some combination of *talent* and *hard work*. One might have been born rich or poor, noble or common, white or black, male or female, but these things are matters of luck, and should not affect the distribution of rewards. Talent and hard work, on the other hand, should.
- 2 There are *real facts of desert*, and institutions should be designed to discover and respond to them.

Claim 1 challenges the pre-modern aristocratic idea of noble birth and patronage, and was radical in its day even if – at least to some cultures – it seems obvious now.

*‘We further need to think about substantive rather than just formal equal opportunities: are some groups systematically disadvantaged in the education which develops these qualities?’*

The meritocrat takes *talent* to be an innate property, not much affected by environment, and discoverable by scientific testing. A meritocratic educational system, for example, is supposed to discover and encourage talent, and so allow each person to fulfil their distinct individual potential. Talent has to be independently discoverable in some way – we have to be able to tell that someone’s real talent was wasted because of lack of opportunity, for example – or else meritocracy collapses into the unhelpful theory that anyone who is successful deserves to be.

The meritocrat takes *hard work*, in contrast to talent, as a matter of *responsible choice*. In particular, people who *don’t* work hard are supposed to have chosen not to, and therefore to be responsible for the effects this has on their prospects.

Claim 2 makes the distribution of social rewards analogous to criminal justice: the accused is either guilty or innocent; the purpose of a trial is to discover which, and treat them appropriately. Similarly, merit is independently real, and institutions should be set up to discover and respond to it.

These two claims jointly lead to a demand for *equality of opportunity*: the removal of barriers to success grounded in such irrelevant matters as race, gender, social class, and so on, leaving the way clear for innate talent, nurtured by a choice to work hard, to show itself and be justly rewarded.

Equality of opportunity can be understood either as *formal* or, more demandingly, as *substantive*. There is *formal equality of opportunity* when rewards are assigned not by birth, gender, race, and so on, but by procedurally fair competition: an exam which anyone can take and which is marked anonymously, for example. But imagine a society run by a hereditary warrior class which goes through a ‘careers open to

talent’ revolution, so that warriors are now chosen by a competition anyone can enter, instead of by birth. We might find that, although anyone can compete to be a warrior, the winners who actually become warriors are almost all from the same hereditary class as before: they are better nourished and therefore taller and stronger than their competitors from other classes, they train from an early age in the skills the competition tests, and they easily find sympathetic mentors and role models among those who are already warriors. This society is meritocratic in a formal sense. But we might think that there is still something wrong here, which would be remedied by making sure children from other classes get more food, by setting up mentoring programmes and scholarships to military academies, by making the rare warriors from other classes visible as role models, and so on. These interventions would move us towards *substantive equality of opportunity*: not only can anyone compete, everyone has adequate background for being actually competitive.

(By analogy, imagine a society in which everyone has formal equality of opportunity to run for president, but almost all presidents actually come from the same social class, often having attended one of the same few elite universities, sometimes even coming from the same wealthy family over generations.)

One of the few things that John Rawls and his major early critic

Robert Nozick agreed about was that desert has nothing to do with how a society should distribute its rewards: *meritocracy is a mistake*.

Rawls attacked meritocracy by arguing that there is no meaningful difference between the claims of blood – being a member of the hereditary warrior class – and the claims of talent and hard work. Talent is innate, not something we choose or are responsible for – no one chooses whether or not to have a good ear for music or to be quick at maths. The capacity for hard work is a result of early childhood experience setting up motivational structures, including especially the ability to defer gratification, in ways which are also not matters of choice. So, the only consistent positions are: (a) accept that being an aristocrat *does* mean that you deserve a sinecure; or (b) reject the idea of meritocratic desert entirely. Rawls of course argues that we should pick (b), say that there are no natural hierarchies – of talent any more than of blood – and instead distribute social rewards fairly (see Lens 1: Fairness).

Nozick attacked meritocracy from a different direction, arguing that social rewards should be distributed by voluntary agreement in a market rather than on any pattern (see Lens 3: Markets), and that the only way to reward merit would be to set up a monstrous state bureaucracy to decide each individual’s fate: *‘you may want to be a musician, but our tests say your talents lie in accountancy.’*

### The new dean

According to the Merit Lens, we should consider what qualities are needed for the role, and design a selection procedure to pick out those qualities while bracketing other, irrelevant qualities. We further need to think about substantive rather than just formal equal opportunities: are some groups systematically disadvantaged in the education which develops these qualities? Should we aim to hire someone from a historically disadvantaged group, for example a woman? Pulling back a bit from our immediate problem, is a hierarchy involving the position of dean the best way to recognise and reward merit?



## Further reading on the Merit Lens

### Overviews:

<http://plato.stanford.edu/entries/desert/>

<http://plato.stanford.edu/entries/equal-opportunity/>

### Textbooks and introductions:

FARRELLY, C. (2004) *An introduction to contemporary political theory*. New York: Sage: Chapter 4.

OLSARETTI, S. (2003) Introduction. In: OLSARETTI, S. (ed.) *Desert and justice*. Oxford: Clarendon Press.

### More advanced work on desert and equality of opportunity:

ANDERSON, E. (1999) What is the point of equality? *Ethics*. Vol 109. pp287–337.

BARRY, B. (1989) *A treatise on social justice, volume 1: theories of justice*. Oakland, CA: University of California Press: Chapters 5–6.

BARRY, B. (2005) *Why social justice matters*. Cambridge: Polity.

CAVANAGH, M. (2002) *Against equality of opportunity*. Oxford: Oxford University Press.

CUPIT, G. (1996) *Justice as fittingness*. Oxford: Clarendon Press.

DWORKIN, R. (2002) *Sovereign virtue: the theory and practice of equality*. Boston, MA: Harvard University Press.

FEINBERG, J. (1970) *Doing and deserving: essays in the theory of responsibility*. Princeton, NJ: Princeton University Press.

MILLER, D. (1999) *Principles of social justice*. Boston, MA: Harvard University Press.

OLSARETTI, S. (2004) *Liberty, desert, and the market*. Cambridge: Cambridge University Press.

RAWLS, J. (1971, rev. ed. 1999) *A theory of justice*. Boston, MA: Harvard University Press: section 17.

SANDEL, M. (1998) *Liberalism and the limits of justice* (2nd edition). Cambridge: Cambridge University Press: Chapter 2.

SHER, G. (1987) *Desert*. Princeton, NJ: Princeton University Press.

TEMKIN, L.S. (1993) *Inequality*. Oxford: Oxford University Press.

WILLIAMS, B. (2005) *In the beginning was the deed* (ed. Geoffrey Hawthorn). Princeton, NJ: Princeton University Press: Chapter 8.

**1**  
**The Fairness  
Lens**

**2**  
**The Merit  
Lens**

**4**  
**The Democracy  
Lens**

**3**  
**The Markets Lens**

Jobs and their rewards should follow from voluntary market exchanges.

**5**  
**The Well-being  
Lens**

**6**  
**The Rights and  
Duties Lens**

**8**  
**The Handing  
Down Lens**

**7**  
**The Character  
Lens**

According to the Markets Lens, jobs and their rewards should result from voluntary market exchanges. This suggests that ethical rules neutrally referee and put bounds on our voluntary interactions, but don't pursue any particular outcome. Any distribution of positions and their rewards which results from exchanges and agreements between individuals, within the rules, is an ethically acceptable distribution, whether or not it tracks merit or any other pre-existing pattern. Some people are lucky enough to have scarce qualities which are in demand: it's ethically acceptable, even though not merited, that they command high wages. So, for example, the just wage for a CEO or a nurse is the current market rate for CEOs or nurses, and nothing to do with how talented they are, nor how hard they work, nor equal distribution, nor any other patterned distribution.

### Philosophical background

Rawls's critic Robert Nozick agrees with him that individuals have equal moral standing: for Nozick, the *self-ownership* of each individual requires that they not be treated in certain ways without their consent: '*Individuals have rights, and there are things no person or group may do to them (without violating their rights)*' (Nozick 1974, pix).

But Rawls and Nozick differ in almost every other way. For Nozick, Rawls's focus on the *pattern of distribution* is a mistake. *History matters*, in two ways:

- 1 the hypothetical history of the minimal state
- 2 the real history of entitlement to property and position.

Together these add up to Nozick's main claim:

The night-watchman state of classical liberalism, which neutrally referees social interaction by enforcing contracts, preventing violence, and punishing rights-violations, is justified; but no more extensive state or other institution is.

The central disagreement here is between an ethics based on *pattern* – whether Rawlsian or meritocratic or any other pattern – and an ethics based on rule-governed *process*.

Nozick's (1) is another version of the social contract tradition

(discussed in Lens 1: Fairness). I'll concentrate here on his (2): the real history of entitlement to property and position.

Nozick asks: *How do people come to be entitled to their property?*

Rawls's answer is *holist* and to do with *pattern*: I'm entitled to some reward if, and only if, it's a *fair share* of the *total* rewards in my society. Nozick's answer is *individualist* and to do with *history*.

I justly own something, according to Nozick, if I came to have it by some historical chain made up of only two kinds of events:

- 1 just acquisition
- 2 just transfer from someone who justly owned it.

I justly *acquire* something by making it out of the unowned or commonly owned material of the world. Creative work – whether to make a wheat crop, a painting, or a new chemical process – produces ownership. I come to own something already made by voluntary *transfer* from someone else who justly owns it: gift or exchange, but not theft. So, I justly own something if each link in the chain by which it came into my possession was just. The distribution of property between people is irrelevant: what matters is the history of each individual owning. So, for example, I own my watch not because others have an equal share of all the watches; and not because

*'We tend to rationalise even random results to try to show that they follow from the character and choices of the person they happen to, rather than from luck.'*

I deserve a watch as a reward for my talent and hard work; but only because my mother gave it to me, and she bought it from a shop, and they bought it from Seiko, and Seiko made it using raw materials and designs that they paid for, and so on all the way back to some origin (or, more likely, to a point at which we can't find out anything more).

This logic can be applied to more abstract goods such as money, jobs and status: what matters in deciding the legitimacy of my having a particular job, wage or standing is whether I came by it through some historical chain of creation and free transfer. It has nothing to do with who else has such goods or how much they have, and nothing to do with whether I'm clever and dedicated rather than slow and lazy.

It's important to keep the distinction between this lens and Lens 2: Merit clear. *Markets aren't meritocratic*, although we have a strong tendency to imagine that they are.

Markets are not meritocratic, because they reward the value of someone's service to others (as judged by those others), not the deep properties of the person – if any – which give rise to that value.

The market's valuation of a good – its *price* – depends on how much of it there is – *supply* – and how much people want it – *demand*. Price isn't sensitive to whether or not it took talent or hard work to produce the good: what it responds to is results, not their causes. Someone who luckily has a rare quality that's now in demand – looking like a particular celebrity, for example – is *entitled* to whatever rewards others voluntarily choose to give them, but they don't *merit* such rewards, because they did nothing to deserve them.

Our strong tendency to imagine that market results are meritocratic may be an example of a deep human psychological tendency known as the *just world illusion*: in general, we tend to believe that people get what they deserve and deserve what they get, and will

rationalise even random results to try to show that they follow from the character and choices of the person they happen to, rather than from luck.

One line of criticism of the market view is that it wrongly conflates material objects such as watches, which are properly understood as *commodities*, with human standing and worth, which aren't. Critics including Elizabeth Anderson, Michael Sandel and Debra Satz have argued that some things – for example personal relationships and public spaces – should not be for sale, because understanding them in market terms fails to recognise their distinctive values. The question, to which different answers have been given, is then where and how to draw the boundary between what is properly subject to markets and what isn't.

### **The new dean**

According to the Markets Lens, we should focus on playing our hand well within the rules. We should consider our purchasing power, bid appropriately on the employment market for deans and attempt to reach mutual agreement with a candidate. We may find it to our advantage to look at applicants from non-conventional backgrounds, since the market may be underpricing their skills. For example, the market typically rewards women less than men for similar work, and a female applicant might therefore be a bargain.

## Further reading on the Markets Lens

### Main sources:

HAYEK, F.A. (1960) *The constitution of liberty*. London: Routledge and Kegan Paul.

NOZICK, R. (1974) *Anarchy, state, and utopia*. New York: Basic Books.

### Overviews:

<http://plato.stanford.edu/entries/markets/>

<http://oll.libertyfund.org/groups/104>

<http://plato.stanford.edu/entries/property/#4>

### Textbooks and introductions:

FARRELLY, C. (2004) *An introduction to contemporary political theory*. New York: Sage: Chapter 2.

GOODIN, R.E. and PETTIT, P. (eds) (1997) *Contemporary political philosophy: an anthology*. London: Blackwell: Part 3.

KYMLICKA, W. (2003) *Contemporary political philosophy: an introduction* (2nd edition). Oxford: Oxford University Press: Chapter 4.

### The just world illusion:

BENABOU, R. and TIROLE, J. (2005) Belief in a just world and redistributive politics. *National Bureau of Economic Research Working Paper No. 11208*, <http://www.nber.org/papers/w11208>

LERNER, M.J. (1980) *The belief in a just world: a fundamental delusion*. New York: Springer.

### More advanced work on the ethics of markets:

ANDERSON, E. (1993) *Value in ethics and economics*. Boston, MA: Harvard University Press.

COHEN, G.A. (1995) *Self-ownership, freedom, and equality*. Cambridge: Cambridge University Press.

FOURCADE, M. and HEALY, K. (2007) Moral views of market society. *Annual Review of Sociology*. Vol 33. pp14.1-14.27.

LANE, R.E. (1991) *The market experience*. Cambridge: Cambridge University Press.

MCCLOSKEY, D.N. (2006) *The bourgeois virtues: ethics for an age of commerce*. Chicago: University of Chicago Press.

OLSARETTI, S. (2004) *Liberty, desert, and the market*. Cambridge: Cambridge University Press.

RADIN, M.J. (1996) *Contested commodities: the trouble with trade in sex, children, body parts and other things*. Boston, MA: Harvard University Press.

SANDEL, M. (2012) *What money can't buy: the moral limits of markets*. London: Penguin.

SATZ, D. (2010) *Why some things should not be for sale: the moral limits of markets*. Oxford: Oxford University Press.

**1**  
**The Fairness  
Lens**

**2**  
**The Merit  
Lens**

**3**  
**The Markets  
Lens**

**4**  
**The Democracy  
Lens**

No one should be subject to a regime in which they have no say.

**5**  
**The Well-being  
Lens**

**6**  
**The Rights and  
Duties Lens**

**8**  
**The Handing  
Down Lens**

**7**  
**The Character  
Lens**

According to the Democracy Lens, no one should be subject to a regime in which they have no say. So, if a decision affects your interests, you should be involved in making it, and that includes decisions about how your workplace is organised and run. Workplaces should be designed to create effective voice for everyone whose interests are at stake. So, for example, corporate policy should be made democratically by all employees (and perhaps by members of wider communities whose interests are also at stake in corporate decisions). Corporate policy-making by an unelected CEO or board is tyranny, just as state policy-making by an unelected monarch is.

### Philosophical background

The basic democratic demand is *self-rule*: people should govern themselves; the distinction between ruled and rulers should be abolished. This is another way of expressing the fundamental idea of the *equal moral standing* of individuals which has appeared in other lenses, for example Lens 1: Fairness. But in democratic thought that idea is understood as *political equality*: every member of the group has equal authority to take part in real-world decision-making for the group. There are no natural hierarchies: power and authority are ours to give or to take away.

Democracy is therefore not the same as several other ideas often associated with it. First, it's not identical with *majority rule* or with *representation* by elected officials. These are tactics sometimes used to enact democratic political equality, but they're not required by it. Some democratic theorists, for example, have defended *deliberative democracy*, in which decision-making is by debate, persuasion and consensus-building involving all citizens, rather than by the majority rule tactic of weighing up pre-existing opinions by a 'show of hands'. Some theorists have defended *direct democracy*, in which decisions are made in assemblies of all citizens (who may delegate particular tasks and roles, but who retain all authority) rather than by officials who are elected to positions of discretionary power.

Second, democracy is distinct from liberal defences of the rule

of law, individual rights, the split between public and private, and constitutional limits on government power. *Liberal democracy* is a tense historical complex, not a stable unity: democrats have often rejected liberal limits on what the self-ruling people may decide, and liberals have often worried about democratic threats to property and privacy.

Third, democracy is distinct from the social contract idea explored in Lens 1: Fairness. Contract theory imagines a once-and-for-all-time agreement between identical, independent individuals. Democracy points instead to *contestation* and *joint celebration* between *different* individuals *in groups* – especially in the ultimate group, the self-governing *people*.

The basic democratic ideal, and its distinction from liberal ideals, can be cashed out in many different ways. One important way is the idea of *freedom as non-domination*. Liberal thinkers such as F.A. Hayek have typically thought of freedom as the absence of coercion: you act freely so long as no one is using violence or threats to make you act on their plans rather than your own. This is often called *negative liberty* or just *liberty*, and can usefully be contrasted with other understandings of freedom. Liberty is not *actually getting* what you want – you can freely try and fail through mere bad luck. It's not *self-command* – you can be free but weak-willed or confused. It's not *power* or *wealth* or *capacity* – you can be free without the internal or

*'Decision-making is by debate, persuasion and consensus-building involving all citizens, rather than by the majority rule tactic of weighing up pre-existing opinions by a "show of hands."'*

external *means* to get what you want. It's not having a *range of possibilities* to choose between – often your options are constrained by circumstance, but if no other *person* constrains you, you still have liberty. And most importantly here, it's not *democratic freedom*, having a say in communal decision-making – you can have liberty in a dictatorship. The ideal liberal regime is then a government which uses a minimum of coercion (police, courts and prisons, for example) to defend individuals against coercion and therefore protect their liberty.

An alternative democratic understanding of freedom, often called *republican*, is that you are free so long as you are protected against *domination*. Someone dominates another to the extent that they are *able to interfere* on an *arbitrary* basis in the other's choices. *Ability* to interfere means that the master can interfere whenever they choose, even if they don't now choose to do so: they *have* power even when they're not *using* it. *Arbitrary* interference means that power is controlled only by the master's choice, without reference to the subordinate's desires or interests or speech. *Non-arbitrary* interference would be interference *secure* against arbitrariness. If the master *could* choose to interfere without constraint by the subject's interests and choices, they have arbitrary power, even if they don't use it: the lazy master is still a master. If a power-holder is constrained to

consult the desires and interests, to listen to the voices, of those they have power over; and if they have powers to resist the power-holder; the power-holder no longer dominates and they are no longer subordinates. They are political equals. On this picture, democracy secures freedom by ensuring that those with power cannot use it arbitrarily (because, for example, they can be recalled by the people who gave them authority).

There is a fourth distinction between democracy and ideas often associated with it: democratic demands aren't limited to governments. *Business employees* are typically not free in the republican sense: they are under the arbitrary power of their managers (who are themselves subordinate to higher managers, in a nested structure of subordination). So, the democratic demand for self-rule can be made of businesses in just the same way as of governments. One way of responding to that demand is by

making employees participants in the decision-making of their firms, rather than mere objects and victims of those decisions: that is, by instituting *workplace democracy*, or even by having workers *own* their firms. In a democratic workplace such as John Lewis in the UK or Mondragon in Spain, unlike most current corporations, the people who work in the firm also jointly run it, typically by a combination of direct voting and delegation of authority to elected representatives and/or contracted professionals. The demand can be pushed further: the people affected by the decisions of corporations aren't just employees, but also their families, people who work in other businesses which supply those corporations, local residents whose communities would be damaged if a large local employer moved its operations overseas, and so on. On democratic grounds, these people should get a say too, perhaps especially in decisions about investment and disinvestment.

### The new dean

According to the Democracy Lens, our focus should be on the accountability of power. The dean has powers to affect the interests of other staff, so they should have a say in who will have the role and what they do with it. Perhaps the dean should be elected from existing staff (as was the case in most UK universities until very recently); perhaps the role should be replaced by a representative committee; perhaps dean-level decisions should be taken by meetings of all faculty. In any case, the search for a dean should not be regarded as a matter only for HR and administration, but for everyone over whom the dean will have power.



## Further reading on the Democracy Lens

### Main sources:

BOWLES, S. and GINTIS, H. (1986; new ed. 2011) *Democracy and capitalism: property, community, and the contradictions of modern social thought*. London: Routledge.

DAHL, R.A. (1998) *On democracy*. New Haven, CT: Yale University Press.

PETTIT, P. (1997) *Republicanism*. Oxford: Clarendon Press.

WRIGHT, E.O. (2010) *Envisioning real utopias*. London: Verso.

### Overviews:

<http://plato.stanford.edu/entries/democracy/>

<http://plato.stanford.edu/entries/republicanism/>

<http://www.democracyatwork.info/>

### Textbooks and introductions:

ARBLASTER, A. (2002) *Democracy* (3rd edition). London: Open University Press.

HELD, D. (1996) *Models of democracy* (2nd edition). Oxford: Polity.

SAWARD, M. (2003) *Democracy*. Oxford: Polity.

### Significant contemporary democratic theory:

BEITZ, C. (1989) *Political equality: an essay on democratic theory*. Princeton, NJ: Princeton University Press.

CHRISTIANO, T. (1996) *The rule of the many: fundamental issues in democratic theory*. Boulder, CO: Westview Press.

GOODIN, R.E. (2003) *Reflective democracy*. Oxford: Oxford University Press.

GOODIN, R.E. and PETTIT, P. (eds) (1997) *Contemporary political philosophy: an anthology*. London: Blackwell: Part 2.

GOULD, C.C. (1998) *Rethinking democracy: freedom and social cooperation in politics, economics and society*. Cambridge: Cambridge University Press.

MOUFFE, C. (2005) *The democratic paradox*. London: Verso.

PETTIT, P. (2012) *On the people's terms: a republican theory and model of democracy*. Cambridge: Cambridge University Press.

YOUNG, I.M. (1990) *Justice and the politics of difference*. Princeton, NJ: Princeton University Press.

### Philosophies of freedom:

BERLIN, I. (1969) Two concepts of liberty. In: *Four Essays on Liberty*. Oxford: Oxford University Press.

CARTER, I. et al (eds) (2007) *Freedom: a philosophical anthology*. London: Blackwell.

FRIEDMAN, M. and FRIEDMAN, R.D. (2002) *Capitalism and freedom* (40th anniversary edition). Chicago: University of Chicago Press.

NUSSBAUM, M.C. (2011) *Creating capabilities: the human development approach*. Boston, MA: Harvard University Press.

RAZ, J. (1986) *The morality of freedom*. Oxford: Clarendon Press.

SEN, A. (1999) *Development as freedom*. Oxford: Oxford University Press.

SKINNER, Q. (1998) *Liberty before liberalism*. Cambridge: Cambridge University Press.

TAYLOR, C. (1985) What's wrong with negative liberty. In: *Philosophical Papers* vol. 2: *Philosophy and the Human Sciences*. Cambridge: Cambridge University Press.

VAN PARIJS, P. (1995) *Real freedom for all: what (if anything) can justify capitalism?* Oxford: Clarendon Press.

### Workplace democracy:

BENELLO, C.G. (1992) *From the ground up: essays on grassroots and workplace democracy* (ed. Len Krimerman et al). Quebec: Black Rose Books.

DAHL, R.A. (1985) *A preface to economic democracy*. Oakland, CA: University of California Press.

PATEMAN, C. (1970) *Participation and democratic theory*. Cambridge: Cambridge University Press.

ROEMER, J.A. (1994) *A future for socialism*. Boston, MA: Harvard University Press.

ROTHSCHILD, J. and WHITT, J.A. (1986) *The cooperative workplace: potentials and dilemmas of organizational democracy and participation*. Cambridge: Cambridge University Press.

SCHWEICKART, D. (2011) *After capitalism* (2nd edition). Lanham, MD: Rowman & Littlefield.

VANEK, J. (ed.) (1975) *Self-management: economic liberation of man*. London: Penguin.

ZWERDLING, D. (1978) *Workplace democracy: a guide to workplace ownership, participation, and self-management experiments in the United States and Europe*. New York: Harper Row.

**1**  
**The Fairness  
Lens**

**2**  
**The Merit  
Lens**

**3**  
**The Markets  
Lens**

**5**  
**The Well-being  
Lens**

Work should be good for us.

**4**  
**The Democracy  
Lens**

**6**  
**The Rights and  
Duties Lens**

**8**  
**The Handing  
Down Lens**

**7**  
**The Character  
Lens**

The Well-being Lens says that work is one of our main arenas of practice towards living well or having *well-being*, or one of the main threats to doing so. Therefore, workplaces should be designed to promote well-being for its own sake, not just because of its instrumental benefits for morale or efficiency.

### Philosophical background

This lens is based on *utilitarianism*, the moral and political theory that actions and institutions should be designed to promote human well-being. Utilitarianism builds on three basic and widely shared intuitions about ethical conduct: about myself and others, about good and bad, and about what I should do.

- 1 *About myself and others*: I am not special. Others have their own lives to live, and their own perspectives on those lives, just as I do. Good things are good and bad things are bad for them just as for me. There is no magic in the pronoun ‘my’. This intuition is expressed, for example, in how we teach basic ethics to children: we appeal to the golden rule, ask ‘how would you like it?’, suggest imagining themselves in the other person’s shoes, and so on. That is, utilitarianism maintains another version of *impartiality*, in the form *everyone counts for one, and no one for more than one*.
- 2 *About good and bad*: some things are *bad* (for me and for everyone) – most obviously pain, but also terror, loss, damage, waste – and others are *good* (for me and for everyone) – pleasure, happiness, love, success, self-development, living out my life in peace and without fear, getting to do what I want to do with my life. That is, utilitarianism is *impartial about all human lives going well*. For utilitarians, *only* individual human lives going well for the individuals whose lives they are has value. Call this value *well-being*, and compare the value of natural beauty or of the survival of a nation or a species, for example: for utilitarians, these

things can only have *derivative* rather than *intrinsic* value, by contributing to individuals’ lives going well, if they have any value at all.

- 3 *About what I should do*: if I’m faced with a choice between bringing about bad or bringing about good, I should bring about good. In general, I should bring about *as much good* and *as little bad* as possible, and this will often involve trade-offs. The right response to what’s good is to maximise it overall, and to what’s bad is to minimise it overall. What we ought to do in all circumstances is *whatever has the best overall consequences* (compare ‘we should do what’s fair’, for example, which might mean producing a lower total amount of value in order to make sure that it’s equally distributed). This view is known as *consequentialism*.

More formally, utilitarianism is *impartial well-being consequentialism*.

I concentrate here on (2) and consider arguments about the nature and significance of well-being. (I return to (3) in Lens 6: Rights and Duties, and to (1) in Lens 7: Character.)

It’s important that utilitarians take well-being as the *only intrinsic value* or *ultimate goal*: it’s not to be pursued because it brings anything else about, but for its own sake, and it’s the only thing with that status. Utilitarians claim that our actions and institutions are to be ethically assessed according to how well they bring about this goal compared with the possible alternative actions and institutions.

*‘For the utilitarian, corporate efficiency is only good to the extent it produces well-being.’*

Compare the view that employee well-being, in particular, should be pursued because it's good for corporate efficiency. That may be true in many cases, but for the utilitarian it's irrelevant: corporate efficiency is only good to the extent it produces well-being, not vice versa.

The *classical utilitarians* – Jeremy Bentham (1748–1832), John Stuart Mill (1806–1873), and Henry Sidgwick (1838–1900) – are usually understood as arguing that the good life is the pleasant life: *well-being is pleasure*. Utilitarians and others have developed both this account and a variety of alternative accounts of well-being.

Significant philosophical accounts of well-being include hedonism, life satisfaction, desire satisfaction, both actual and idealised, and objective lists.

*Hedonism*: The classical utilitarian view (which has a history stretching back to the ancient Greek philosopher Epicurus) is that well-being consists in having as much as possible of a distinctive mental state, *pleasure or enjoyment*, and as little as possible of its opposite mental state, *pain or suffering*. If Epicurus was right about what gives humans the most pleasure, the best life consists in having enough to eat and drink, a safe and comfortable place to sleep, and a few good friends to talk to.

One standard objection to hedonism is to point out that different pleasures and pains don't have any single way they feel in common, such that they could be compared or added up: the first sip of a cold drink on a hot day, finishing a gruelling run with a personal best time, and watching your child sleep are all pleasures,

but what do they have in common? Exactly how many 'run personal bests' would add up to the value of one 'watching child sleep'? The question doesn't even make sense. In general, it makes no apparent sense to say that each of these pleasures instantiates a different quantity of a single stuff, a different number on a one-dimensional scale of pleasure, such that we could do arithmetic with them, or find out what to do by deciding what would maximise pleasure.

A reply is to move from focusing on how particular pleasures and pains *feel* to the *attitudes* we take to our experiences or to our lives as a whole. One such account is:

*Life satisfaction*: The account used in much contemporary empirical research into happiness is that your well-being consists in *sincerely judging that your life is going well*. If you judge your life experience positively, you have well-being. We now have a great deal of data on the conditions of that judgement: for example, we know that above a certain minimum, money doesn't make us happy (although having more money than your neighbours may do so).

A standard objection to both this and the hedonistic account is that well-being can't be entirely a *subjective* matter: we can imagine cases where how you feel or judge doesn't seem to be all that matters for how well your life is going. Consider the life of someone who takes great pleasure and satisfaction in what she believes is the love and respect of her friends and the achievement of her life goals, but is actually completely deceived: her 'friends' despise her and her goals have all come to nothing. Her pleasure and life-satisfaction are identical to those of

her twin whose friends are real and goals really successful, but her life apparently goes worse.

A reply is to move away from states of mind and towards states of the world, but to keep a connection with the individual's goals:

*Desire satisfaction*: The account used in much economic theory is that your well-being consists in *what you want actually being the case*: you want to be wealthy and you are wealthy; you want your friends to love and respect you and they do; and so on.

It's important to distinguish this from the previous two accounts: they make your well-being depend on what things are like for you, 'in your head'; desire satisfaction accounts make your well-being depend on what the world is like, 'out there'. Your life goes well when you want your friends to love and respect you *and they do*, whether or not you know it: you could be *wrong about your own well-being* because you think they do when they don't, like the deceived person above.

A standard objection to this is that people often want things which are *bad* for them, from cigarettes to disastrous marriages, and that the desire satisfaction account can't recognise this obvious truth. It makes sense to say to someone that 'marrying him would ruin your life' no matter how much she now *wants* to marry him, and an account of well-being which can't catch that sense has gone wrong.

A reply is to move away from *actual* desires to desires improved in some way:

*Ideal desire satisfaction*: You have well-being when you get – not what you actually want now – but what you

would want if you had your *ideal desires*: if you knew and could fully imagine what it would be like to get it (the misery of being married to him after five years), or what you *would* want if you knew what was good for you (a different husband).

The problem with this account is that it's unstable: if it appeals to what getting what you now want will really *feel like* (as in the first version above), it seems to be moving back towards mental state accounts such as hedonism, with all of their problems. If it appeals to what you would want *if you know what was good for you* (as in the second version), it hasn't yet answered the question we were asking: what is good for you? – that is, what is well-being?

If we go in the second direction, we move away from desire accounts and towards:

*Objective list accounts*: You have well-being when you achieve the items on an objective list of intrinsic goods, whether or not you want them or enjoy them when you get them. For example, Aristotle argued that you have well-being when you fully develop and express the human rational essence in an ideal life of practical and theoretical

wisdom. Other objective list accounts are pluralistic, and typically include goods such as pleasure, personal achievement, knowledge and friendship.

One standard objection to this is that it's offensively paternalistic: what's good for a person is up to them, not to be decreed from outside. A reply is to suggest that one of the items on the objective list of goods is *autonomy*: being in rational command of your own life, making and following through on your own decisions and life plans. You have well-being when you are autonomous (even if it's sometimes painful, or if you sometimes wish someone else would look after you).

Each of these different accounts of well-being has different consequences for how we ethically assess work and workplaces. For example, take the idea that *autonomy* is at least a significant part of well-being. Many jobs offer little opportunity for the development and use of autonomy, because they consist in repetitive tasks under someone else's direction, aiming at the realisation of someone else's plans. But if well-being requires autonomy, and if work should be good for us, such non-autonomous work should be transformed. This might be an argument from well-being for a democratic conclusion (see Lens 4: Democracy).

### The new dean

According to the Well-being Lens, we should be most concerned with what our institutions and practices do to the lives of the individuals caught up in them. The institutional structure involving the dean should be understood as aimed at promoting the well-being of all of its members, rather than as promoting efficiency or other external goals. The difficult question we must then consider is what well-being is, and our answer could have large consequences. For example, if being in command of oneself – autonomy – is part of living well, work tasks should be organised and distributed to promote it: no one should be stuck always doing menial work, never exercising their powers of decision, planning and self-command, because people in that position don't develop the capacity for autonomy. And this will mean that everyone should do some of the unavoidable menial work – the dean should sometimes clean the toilets. Or perhaps better, everyone should have a chance to exercise powers of decision, planning and self-command, and the dean's responsibilities should therefore be distributed rather than concentrated in one person.

## Further reading on the Well-being Lens

### Main source:

GRIFFIN, J. (1986) *Well-being: its meaning, measurement, and moral importance*. Oxford: Clarendon Press.

### Overviews:

<http://plato.stanford.edu/entries/consequentialism/>

<http://plato.stanford.edu/entries/well-being/>

<http://plato.stanford.edu/entries/utilitarianism-history/>

### Textbooks and introductions:

EGGLESTON, B. and MILLER, D.E. (eds) (2014) *The Cambridge companion to utilitarianism*. Cambridge: Cambridge University Press.

KYMLICKA, W. (2003) *Contemporary political philosophy: an introduction* (2nd edition). Oxford: Oxford University Press: Chapter 2.

### Important historical accounts of well-being:

ARISTOTLE (1999) *Nicomachean ethics* (trans. Terence Irwin) (2nd edition). Indianapolis, IN: Hackett.

MILL, J.S. and BENTHAM, J. (1987) *Utilitarianism and other essays* (ed. Alan Ryan). London: Penguin.

These texts are available in multiple editions, as well as free online in many cases. The editions suggested here are scholarly as well as easily available.

### Significant contemporary philosophical work on well-being:

CRISP, R. (2006) *Reasons and the good*. Oxford: Oxford University Press.

DARWALL, S. (2002) *Welfare and rational care*. Princeton, NJ: Princeton University Press.

FELDMAN, F. (2004) *Pleasure and the good life*. Oxford: Clarendon Press.

HAYBRON, D.M. (2008) *The pursuit of unhappiness: the elusive psychology of well-being*. Oxford: Oxford University Press.

NUSSBAUM, M.C. and SEN, A. (eds) (1993) *The quality of life*. Oxford: Clarendon Press.

SUMNER, L.W. (1996) *Welfare, happiness, and ethics*. Oxford: Oxford University Press.

TIBERIUS, V. (2008) *The reflective life: living wisely with our limits*. Oxford: Oxford University Press.

### Empirical happiness studies:

KAHNEMAN, D., DIENER, E. and SHWARZ, N. (eds) (1999) *Well-being: the foundations of hedonic psychology*. New York: Russell Sage.

LAYARD, R. (2006) *Happiness: lessons from a new science*. London: Penguin.

SEARLE, B.A. (2008) *Well-being: in search of a good life?* Bristol: The Policy Press.

### Well-being and work:

ARNESON, R.J. (1987) Meaningful work and market socialism. *Ethics*. Vol 97. pp517–45.

ATTFIELD, R. (1984) Work and the human essence. *Journal of Applied Philosophy*. Vol 1. pp141–50.

CRAWFORD, M. (2011) *The case for working with your hands: or why office work is bad for us and fixing things feels good*. London: Penguin.

ELSTER, J. (1989) Self-realisation in work and politics: the Marxist conception of the good life. In: ELSTER, J. and MOENE, K.O. (eds) *Alternatives to capitalism*. Cambridge: Cambridge University Press.

MORRIS, W. (1973 [1885]) Useful work versus useless toil. In: MORTON, A.L. (ed.) *Political writings of William Morris*. London: Lawrence & Wishart.

SCHWARTZ, A. (1983) Meaningful work. *Ethics*. Vol 92. pp634–46.

SENNETT, R. (2008) *The craftsman*. London: Penguin.

**1**  
**The Fairness  
Lens**

**2**  
**The Merit  
Lens**

**3**  
**The Markets  
Lens**

**6**  
**The Rights and  
Duties Lens**

Everyone has rights to do some things and to be free of some things, and everyone has duties not to violate others' rights.

**4**  
**The Democracy  
Lens**

**5**  
**The Well-being  
Lens**

**8**  
**The Handing  
Down Lens**

**7**  
**The Character  
Lens**

According to the Rights and Duties Lens, everyone has the rights to do some things and to be free of some things, and everyone has duties not to violate others' rights. This means human rights forbid some actions and demand other actions, regardless of their consequences. The idea of rights is immensely successful in practice, as shown for example by the influence of the United Nations' *Universal Declaration of Human Rights* – even though it raises troubling problems in philosophical theory. So, for example, workplaces ought to respect human rights to equal pay for equal work and to join unions.

*'Human rights are barriers which limit which paths we may take, no matter what wonderful place they lead to.'*

#### Philosophical background

Utilitarianism, as described in Lens 5: Well-being, is *consequentialist*: it claims that what we ought to do is bring about as much value as possible. But consequentialism is resisted by what is perhaps the pre-eminent moral idea in Western culture: *human rights*. Imagine the following case:

You are a surgeon with five patients waiting for life-saving transplants. A healthy young postal worker walks into your hospital to deliver a package. You could break her up for spare parts: her liver to one of your patients, her heart to another, blood for all of them during surgery, and so on, saving their lives by killing her. Should you?

According to the utilitarian, the situation here is that you must decide between one death and five deaths. Compare another imaginary case:

Your ship has been torpedoed and sunk. You managed to get to a lifeboat, but many others are in the water. You can either pick up a group of five people, or instead pick up one person, but you can't do both. Should you pick up the five, leaving the one to drown, or pick up the one, leaving the five to drown?

In both cases, consequentialism says: you ought to do whatever has the best consequences available, and one death is better than five. So you should pick up the larger group, and use the postal worker's organs to save the larger group.

The obvious reply is that this would violate the postal worker's *rights*: she has human rights to life and to bodily integrity which you have a duty to respect, independent of the consequences (but, perhaps, no one has such a right to be saved from drowning). We can think of the future as a *garden of forking paths*, where each fork is a decision: this way or that way? Human rights are *barriers* which limit which paths we may take, no matter what wonderful place they lead to. Consequentialism goes wrong in letting the ends justify the means. We can cash this idea out as follows:

Human rights are *entitlements* to be treated in certain ways and not treated in certain other ways, which *belong to human persons* just as such, and which *trump* the maximisation of good in our decisions about what to do. Rights have correlative *duties*, which are *obligations* to act in certain ways and not to act in certain other ways. Because we have rights and duties, there are some actions which are *forbidden* and some actions which are *obligatory*, whatever increase or decrease in value would result from them.

The idea of human rights has a paradoxical status. On one hand, it's immensely successful in practice: rights claims and rights-based legislation are widespread and powerful, although also often challenged and violated; rights talk is the *lingua franca* of



international moral concern and action. There has been a global human rights revolution over the last few decades. On the other hand, this practical success is not matched by robust theory, so that much argument about particular rights is inconclusive. I'll sketch the triumphant history of the practice before returning to the problems in theory.

Rights are a recent and local idea: they began to be developed out of earlier ideas of natural law in the early modern period, from the late fifteenth century onwards, in Europe and its colonies. Since then, they have turned up in more and more historically important places. The *Bill of Rights* from the British 'glorious revolution' of 1688, for example, included the right to live under laws approved by Parliament without arbitrary royal interference and the right not to be subjected to cruel or unusual punishment. The 1776 American *Declaration of Independence* famously added rights to life, liberty and the pursuit of happiness. The 1789 French *Declaration of the Rights of Man and Citizen* added rights to freedom of speech and presumption of innocence.

Rights then went out of fashion for much of the nineteenth century and the first half of the twentieth, partly giving way to utilitarian talk of maximising well-being. But the United Nations' 1948 *Universal Declaration of Human Rights*, followed by a series of conventions on racial discrimination (1969), discrimination against women (1979), the rights of the child (1990), and so on, both reaffirmed rights from earlier declarations, and added, for example, rights to recognition as a person before the law; to have a nationality, to change nationality, and to return home; to equal pay for equal work; to religious freedom; and to an

education. The list of human rights which have been asserted over these few hundred years is long, various and expanding over time: from *political* rights (especially rights-based attempts to limit the power of states) to *economic* to *social* to *cultural* rights.

Rights talk and rights legislation grew up in consort and conflict with another product of the early modern period in Europe: the *nation-state*. Over the same period as the rise of rights, centralising monarchs and their innovative bureaucracies won the competition for power with feudal nobles, self-governing towns, the Christian Church and the Holy Roman Empire. They began the growth of a world system of distinct, non-overlapping territorial states understood as having *sovereignty* of two kinds: *internal* – the sovereign (at first identified with the monarch and later with the people) is the only legitimate power within its territory; and *external* – no other state may interfere in what goes on in that territory. Respecting and enforcing human rights has come to be thought an important part of states' duties, but the idea of rights also *challenges* sovereignty of both kinds. It challenges internal sovereignty in asserting that some actions are forbidden even to the state; and it challenges external sovereignty in implying international duties of enforcement. The recently influential idea of *humanitarian intervention* is a practical expression of that challenge.

The result of this history is that '[t]oday, if the public discourse of peacetime global society can be said to have a common moral language, it is that of human rights' (Beitz 2009, p1).

Despite this practical success, there is no consensus on a range of fundamental philosophical problems which rights raise:

- 1 How are we to *justify* the idea of rights? Why should we think that there are any such things? Relatedly, what *limit* does that justification set on the expanding list of rights? How can we distinguish between justified and unjustified assertions of rights? Are our particular in-practice rights claims justified? What justificatory argument can we offer to someone who denies the existence of a right to 'equal pay for equal work' (UNUDHR 23.2), for example, or even of rights in general?
- 2 What is the relation between *moral* and *legal* rights, and between *rights* and other *cultural norms*? Do rights trump legal denials or cultural rejections of rights? For example, does the right 'to form and to join trade unions' (UNUDHR 23.4) make state legislation against unions illegitimate, or stand as a moral criticism of cultures with different understandings of the relation between employer and employee? Do rights have the *universality* they claim, even in the face of cultural and legal difference?
- 3 How are we to manage *conflicts* between individual rights? For example, what are we to do when the right 'to manifest... religion or belief in teaching, practice, worship and observance' (UNUDHR 18) clashes with other rights, as when some community manifests their belief that women are inferior to men by denying women the right 'to own property' (UNUDHR 17)?

Do rights really exist in the absence of *enforcement mechanisms* and a definite *authority* with *responsibility* to provide and protect what those rights claim? Various states and other organisations assert many rights, but their actual enforcement is notoriously inconsistent and

often ineffectual, and it's not clear what institution actually has authority to demand, or power to ensure, global compliance. Is rights talk *merely* talk?

The beginnings of answers to these questions may be found in two competing kinds of theory of rights: *interest* theories and *will* theories.

*Interest theories* connect rights with *well-being*: a right is a *shield* against damage to some aspect of a person's living a life which is good for them, or in their interests. The problems above can then be addressed by connecting particular rights claims and rights legislation to aspects of well-being. For example, the existence of a right to equal pay for equal work will depend on the relation of that demand to human well-being: does your life go worse for you if someone else is paid more than you are for the same work? The answer to that question will depend on what account of well-being we find compelling, so the question is moved rather than immediately answered, but at least we have a way of pursuing an answer. (See further Lens 5: Well-being.)

*Will theories* instead connect rights with *capacity for choice*: a right invests its holder with some specified *control* over their situation. The problems above can again be addressed by considering the connection between particular rights and the importance of particular capacities of control. For example, the existence of a right to join a union will depend on the relation of union membership to important capacities of control (see also Lens 4: Democracy).

### The new dean

According to the Rights and Duties Lens, our main concern should be the rights and duties asserted in local and wider culture and law. The problem here is that there are many such assertions, but we're unclear how to distinguish genuine from improper assertions, or how to manage conflict between particular rights and duties. At minimum, we need to be aware of the potentially inconsistent demands on us: some will be institutionalised in local employment law (in the UK, where universities are semi-public institutions, there are legal requirements on how jobs are advertised, for example); some are part of international law or convention, demandingly phrased but inconsistently enforced (the right to equal pay for equal work); some are not legally instantiated at all, but are rather part of local, regional and international cultures (assumptions about 'women's work').

To make the example more specific (drawing on cases described at <http://hrbdf.org/dilemmas/Gender/#.VT9NeyFVhBc>): suppose that Sun City University is in a country that legally prohibits women from working in higher education, but that a woman has applied for the post of dean. On one hand, we might think that we should respect international human rights law (specifically the United Nations' 1979 *Convention on the Elimination of All Forms of Discrimination against Women*) and give all applicants equal consideration regardless of their gender. On the other hand, this will open us to prosecution for breaching national law, and – perhaps more importantly – is an attempt to set ourselves up as above a law which may have as much (or as little) legitimacy as the international rights convention. Or, changing the example, suppose that the university is in a country that despite *legal* equality has an entrenched culture of sexism which creates harassment, pay gaps, lack of promotion and pregnancy discrimination for working women. The lack of a clear justification for rights claims against this sexism means that we will be left wondering how to respond to that culture: what can we say to the senior professor on the hiring committee who thinks that women just can't do the kind of serious abstract thinking required by the job? Bare appeals to rights are unlikely to change his mind.

## Further reading on the Rights and Duties Lens

### Main sources:

BEITZ, C. (2009) *The idea of human rights*. Oxford: Oxford University Press.

FREEMAN, M. (2011) *Human rights: an interdisciplinary approach* (2nd edition). Cambridge: Polity.

*Universal Declaration of Human Rights*, <http://www.un.org/en/documents/udhr/>

### Overviews:

<http://plato.stanford.edu/entries/rights/>

<http://plato.stanford.edu/entries/rights-human/>

### Textbooks and introductions:

EDMUNDSON, W.A. (2012) *An introduction to rights* (2nd edition). Cambridge: Cambridge University Press.

FREEMAN, M. (1991) *Rights*. London: Open University Press.

JONES, P. (1994) *Rights*. Basingstoke: Macmillan.

WALDRON, J. (ed.) (1985) *Theories of rights*. Oxford: Oxford University Press.

### History and practice of human rights:

BUERGENTHAL, T. et al (2009) *International human rights in a nutshell* (4th edition). Eagan, MN: West Publishing.

HUNT, L. (2007) *Inventing human rights: a history*. New York: W.W. Norton.

ROBERTSON, G. (2012) *Crimes against humanity: the struggle for global justice* (4th edition). London: Penguin.

### Significant contemporary philosophy of rights:

DONNELLY, J. (2013) *Universal human rights in theory and practice* (3rd edition). Ithaca, NY: Cornell University Press.

DWORKIN, R. (1977) *Taking rights seriously*. London: Duckworth.

GRIFFIN, J. (2008) *On human rights*. Oxford: Oxford University Press.

IGNATIEFF, M. et al (2001) *Human rights as politics and idolatry* (ed. Amy Gutmann). Princeton, NJ: Princeton University Press.

KRAMER, M.H., SIMMONDS, N.E. and STEINER, H. (1998) *A debate over rights: philosophical enquiries*. Oxford: Clarendon Press.

RAZ, J. (1986) *The morality of freedom*. Oxford: Clarendon Press.

SHUE, H. (1996) *Basic rights: subsistence, affluence, and U.S. foreign policy* (2nd edition). Princeton, NJ: Princeton University Press.

THOMSON, J.J. (1990) *The realm of rights*. Boston, MA: Harvard University Press.

### Case studies of business human rights dilemmas:

<http://hrbdf.org/dilemmas/>

**1**  
**The Fairness  
Lens**

**2**  
**The Merit  
Lens**

**3**  
**The Markets  
Lens**

**7**  
**The Character Lens**

Each of us should work to  
develop the best ethical character  
for our roles.

**4**  
**The Democracy  
Lens**

**5**  
**The Well-being  
Lens**

**8**  
**The Handing  
Down Lens**

**6**  
**The Rights and  
Duties Lens**

The Character Lens says that each of us should work to develop the best ethical character for our roles. A *character* is a set of deep, consistent, closely connected psychological tendencies to feel and act in the right way (these tendencies are sometimes called *virtues*). Having character involves committing to and caring for particular individuals and institutions. According to the Character Lens, we should face ethical dilemmas by trying to become more like our heroes and to treat the particular people and things we care about rightly and lovingly, rather than by trying to apply abstract general rules. So, for example, if you're offered a bribe, you should think about what the best people you know would do in this situation and try to be like them, rather than trying to find a rule to follow or to reason your way impartially to an answer.

### Philosophical background

Theories in philosophical ethics are often divided into three broad camps: deontological, consequentialist and virtue accounts. This is about as accurate and informative as dividing music into three broad camps – classical, rock and jazz – but it'll do for present purposes. Modern *deontological* theories derive especially from Immanuel Kant (1724–1804) and focus on rules and obligations (see Lens 1: Fairness and Lens 6: Rights and Duties). Modern *consequentialist* theories derive especially from Jeremy Bentham (1748–1832) and John Stuart Mill (1806–1873) and focus on the consequences of action (see Lens 5: Well-being). The subject of this lens, *virtue theories*, derives ultimately from the classical Greek and Roman world, and especially from Aristotle (384–322 BC). They focus on individuals' expressed inner life and character.

Imagine that we come across a car crash, late at night on a lonely road. The people in the smashed car need help and members of all three ethical camps will agree that we should help them if we can, but will emphasise different aspects of the situation and offer different reasons for that judgement. Deontologists will point to a *moral rule* requiring us to help, or to our *duty* to help, those in need. Consequentialists will point to the *good consequences for everyone*

of people helping other people. Both may appeal to an idea of impartiality and suggest that if the situation were reversed – if we were in the smashed car – we would want to be helped or claim a right to be helped. Virtue ethicists, in contrast, will emphasise that helping is the action of a *decent person*, perhaps even of a *hero*, and reminds us that this is what we aspire to be, because that's the *best kind of person*. The virtue ethicist's point is not that we would necessarily demand heroism from others in the reversed situation: it's that we demand heroism of ourselves. Another way of putting these contrasts is that deontologists are concerned with permissible and obligatory action; consequentialists, with what results from action; and virtue ethicists, with what we reveal ourselves to be, and what we make ourselves, by acting.

The virtue strand in modern philosophy began with Elizabeth Anscombe's 1958 article 'Modern Moral Philosophy', in which she attacks nineteenth- and twentieth-century ethical theories for their neglect of character, emotion, moral education and human attachments to friends, family and institutions. Anscombe provoked both a rediscovery of the virtue-theoretic elements in earlier thinkers (Hume, Kant, Nietzsche) and the creation of new ethical theories in an Aristotelian virtue-ethical style.

*'Helping is the action of a decent person, perhaps even of a hero, and reminds us that this is what we aspire to be, because that's the best kind of person.'*

*‘For virtue there’s no distinction between the training and the big match.’*

An ethics of virtue has four main components:

- 1 the idea of *virtue* itself
- 2 the idea of *practical wisdom*, that is, developed judgement about how to act
- 3 a vision of the *good human life* into which the virtues fit
- 4 an account of the *development* of virtue as a movement towards the good life.

In what follows, I fill out (1)–(4), partly by following a character – call her Rosa – through the demands of the virtuous life.

- 1 A *virtue* – for example courage, honesty, justice, loyalty to one’s friends – is a deep-rooted character trait which leads its possessor not only to act, but also to see, feel and be moved, in distinctive ways. A virtue must be *deep-rooted* rather than shallow or temporary: one act of bravery, however admirable, doesn’t show that Rosa is courageous; if this behaviour is not connected with the rest of her character, it could fail in the face of a different danger, or just because she’s in a hurry, or having a bad day. Virtue must involve the *perceptual* and *motivational* as well as actions: Rosa could behave honestly only because she fears being found out in a lie; but the genuinely honest person sees dishonesty as ugly and pathetic, and is repelled by the idea that they, or those they care about, might act dishonestly. If Rosa is to possess the virtue of honesty, she must be honest not out of calculated self-interest, nor even because she holds it to be her duty or to have the best overall consequences, but because these morally loaded motives and perceptions are part of her identity.

- 2 *Practical wisdom* is required by the virtuous person, because it’s often hard to know the best thing to do. Typically, this wisdom is derived from experience as much as from instruction or theorising, and is *knowledge how* more than *knowledge that*: it’s the ability to continue in the right way, rather than the ability to make explicit the principles which govern that capacity. Similarly, Rosa speaks her mother tongue fluently without being able to describe the syntactical and other rules which govern it. Practical wisdom is the opposite of – for example – recklessness, insensitivity, short-sightedness and failure to see how things look from perspectives other than one’s own (Rosalind Hursthouse suggests that practical wisdom can be identified as what most teenagers lack). For the virtue ethicist, ethical decision-making is concerned more with sensitivity and discernment than with the application of explicit rules; but it is concerned with *reasoning*, not with mere unthinking habit or ritualised behaviour. To be a practically wise person, Rosa must deliberate about her actions, but need not necessarily see them as falling under any explicit rule (perhaps, indeed, no explicit rule can be stated).
- 3 Virtues are part of the *good life* for human beings. Developing and exercising the virtues is a necessary part of a successful life for an individual. The notion of ‘good life’ at work here is not *moral* goodness: it’s the ordinary sense in which a life goes well (is crowned with happiness and achievement) or goes badly (is a miserable failure) for the person whose life it is. That is, it’s the idea of *well-being* (see Lens 5: Well-

being). If Rosa never develops a virtue – if she’s never able to engage in a real friendship, for example – she is to that extent living a life which is bad *for her*. If, instead of developing a virtue, Rosa develops a corresponding vice, she will also be living a bad life. For instance, if her experiences, choices and developed perceptions lead her intensely to value money, and to spend most of her time gathering and gloating over it, she has developed the vice of *avarice*, and her life is in that way going badly. Because of this connection between virtue and successful human life, a virtue theory requires an account of that life as a whole: it needs to explain what it is that Rosa, as a human being, *aims at* in her life. Virtue theories vary in their response to this need, but all agree that developing and using the virtues is, at least, a large part of the best life for human beings. Virtues are not mere means by which a good life, defined independently of the virtues, is brought about: they are necessary elements of that life (this is an important way in which virtue theories are distinct from utilitarian theories).

4 The virtues are not merely gifts of nature or fortune, and they don’t stay the same over an

individual’s life. Rather, they are *developing* features of a growing personality. The growth of deep-rooted personality traits, and of the practical wisdom to choose correctly in complex circumstances, takes time, a favourable environment and practice. Virtue ethicists typically follow Aristotle in arguing that virtues are developed by *use* and by *emulation*. Rosa becomes courageous by doing brave things in the appropriate circumstances, and cowardly by failing to do them; she learns what courage is by associating with brave people. She becomes better at doing the best thing *by doing it in good company*. Character traits are in this way like practical skills: as a tennis

player, Rosa models herself on her heroes – Martina Navratilova, say – and uses many repetitions of increasingly difficult tasks to develop her ability, strength and endurance. Similarly, as a virtuous person, Rosa models herself on her moral heroes and uses her inevitable encounters with circumstances requiring virtue and judgement – danger, demands for painful and costly honesty, tensions between loyalty and personal profit, clashes between different commitments – to develop her character and wisdom. The difference, of course, is that for virtue there’s no distinction between the training and the big match.

#### The new dean

According to the Character Lens, we shouldn’t consider abstract rules about recruitment and job performance, but rather try to emulate the best people we know in particular roles. There are two roles in play: the role of recruiter and the role of dean. For the recruiter, we should be thinking about who has the sense – even if they can’t fully explain it – of the best candidate and about developing such perceptions ourselves by paying close, friendly attention to that person. For the dean, we should be thinking about exemplary academic leaders and about their distinctive character traits. The striking contrast here is with Lens 2: Merit, which asks us to focus only on explicit and rule-governed criteria for hiring, where this lens asks us to focus exactly on the particular and implicit.

## Further reading on the Character Lens

### Main source:

HURSTHOUSE, R. (1999) *On virtue ethics*. Oxford: Oxford University Press.

### Overviews:

<http://plato.stanford.edu/entries/ethics-virtue/>

<http://plato.stanford.edu/entries/moral-particularism/>

### Textbooks and introductions:

ANNAS, J. (2006) Virtue ethics. In: COPP, D. (ed.) *The Oxford handbook of ethical theory*. Oxford: Oxford University Press.

SLOTE, M. (1997) Virtue ethics. In: BARON, M.W. et al (eds) *Three methods of ethics: a debate*. London: Blackwell.

STATMAN, M. (1997) (ed.) *Virtue ethics: a critical reader*. Edinburgh: Edinburgh University Press.

### Historical sources:

Important historical texts by Aristotle, Francis Hutcheson and David Hume are excerpted in: DARWALL, S. (ed.) (2003) *Virtue ethics*. London: Blackwell: Part I.

### Significant contemporary virtue ethics:

ADAMS, R.M. (2008) *A theory of virtue: excellence in being for the good*. Oxford: Clarendon Press.

ANSCOMBE, G.E.M. (1958) Modern moral philosophy. *Philosophy*. Vol 33. pp1–19.

ANNAS, J. (1993) *The morality of happiness*. Oxford: Oxford University Press.

ANNAS, J. (2011) *Intelligent virtue*. Oxford: Oxford University Press.

CRISP, R. and SLOTE, M. (eds) (1997) *Virtue ethics*. Oxford: Oxford University Press.

DRIVER, J. (2006) *Uneasy virtue*. Cambridge: Cambridge University Press.

FOOT, P. (1978) *Virtues and vices: and other essays in moral philosophy*. London: Blackwell.

SLOTE, M. (1992) *From morality to virtue*. Oxford: Oxford University Press.

MACINTYRE, A. (1981) *After virtue: a study in moral theory*. London: Duckworth.

SWANTON, C. (2005) *Virtue ethics: a pluralistic view*. Oxford: Oxford University Press.



**1**  
**The Fairness  
Lens**

**2**  
**The Merit  
Lens**

**3**  
**The Markets  
Lens**

**8**  
**The Handing Down  
Lens**

We can't reinvent or master the world, and are instead responsible for conserving and maintaining the small part of it over which we currently have stewardship, and for passing it on undamaged to our descendants.

**4**  
**The Democracy  
Lens**

**5**  
**The Well-being  
Lens**

**7**  
**The Character  
Lens**

**6**  
**The Rights and  
Duties Lens**

According to the Handing Down Lens, we can't reinvent or master the world, and are instead responsible for conserving and maintaining the small part of it over which we currently have stewardship, and for passing it on undamaged to our descendants. This covers the institutions we work in, the wider political and social world they depend on, and the natural environment we all depend on. Workplaces should be designed and assessed with an eye to what we were given to look after by our predecessors, and which we'll hand on to our descendants. So, for example, keeping a firm in family ownership might be more important than maximising its short-term profits, and maintaining a natural resource might be more important than exploiting it.

*'Conservatives draw attention to our complex dependence on particular and local circumstances and histories.'*

**Philosophical background**

This lens is a sketch of *conservatism*, understood as philosophy rather than as political ideology. Many of the previous lenses, and much modern thought in general, assume three broad, related claims about human life:

- 1 *Future orientation*: we get our bearings by looking towards a better future, to our eventual perfection taken as a universal standard for criticism of the present. Existing valuable things are replaceable without remainder by hypothetical future things. We have faith in progress.
- 2 *Promethean optimism* about human rational and creative powers. Utopian social designs will clear away the old to make way for the fully rational new. Our powers and possibilities are vast and independent of circumstance. We can steal fire from the gods.
- 3 *Equal standing*: humans are independent individuals without natural hierarchies; the only legitimate hierarchies are those we all agree to make. *'In the beginning, there were no kings, no landlords, no bosses.'*

Conservatism involves rejection of all three of these claims.

- 1 Against future orientation, conservatives advocate *past orientation*. We get our bearings by looking to the past, to the home and history which made us. What actually exists has value

just as such and can't be fully replaced by anything else. And what actually exists is particular and various, and can't be judged against a single, universal standard. Change is risky and might be for the worse as well as for the better.

- 2 Against optimism, conservatives advocate a *sceptical* sense of human imperfection and ignorance. Against rationalistic utopias – transparent, elegant, self-consistent intellectual structures without connection to the messy, half-understood actual world – they set gradual and incomplete learning through experience over time, and humility in the face of our incomplete understanding. They draw attention to our complex dependence on particular and local circumstances and histories.
- 3 Conservatives reject the claim of equal standing in favour of *natural hierarchy*. When Jean-Jacques Rousseau announced that *'[m]an was born free, and everywhere he is in chains,'* the conservative thinker Joseph de Maistre (1753–1815) sarcastically responded that *'sheep, who are born carnivorous, nevertheless everywhere nibble grass.'* Conservatives advocate continuity, authority and community against individualism and independence. Conservative thinkers have very often been critics of the social contract tradition and have thought of hierarchical society as natural, not as made by or for individuals.

We should note that contemporary pro-capitalist conservative political parties, in the UK, US and elsewhere, are therefore a strange hybrid. The capitalist takeover of the world in the last few hundred years was a revolutionary social change, and partisans of the 'free market' are utopians: historically, conservatives have more often resisted them than allied with them.

The three conservative claims – past orientation, scepticism, natural hierarchy – suggest *responsibilities*: to look after and defend what already exists; to support systems which we know work – because they've survived many trials – but which we don't and can't fully understand; to stay within our limited powers. The appropriate myth is not Prometheus but Icarus: if you try to leave your natural

role and competence, the result is disaster. Don't fly too close to the sun.

These ideas apply to human society and to the intermediate institutions – clubs, guilds, schools, businesses, churches, communities, nations – in which much of day-to-day life is lived. But they also apply to the wider natural environment on which human society depends. That recognition has led to the rise of *green conservative* thought and (to some extent) politics: advocacy against economic growth and for conservation of resources in the face of an uncertain future; recognition of our dependence on systems which we don't fully understand; localism; and scepticism about our ability to control the effects of our activity as a species on the larger world.

### **The new dean**

According to the Handing Down Lens, we should be looking for someone used to authority, who already understands the particular faculty and university through long acquaintance: someone who has grown up with them, loves them and wants to care for them. An outsider will most likely mess things up, because they rank theory over experience and over-rate their own powers. The best candidates will therefore come from traditional elites, because they're the people who have that bred-in-the-bone connection to the institution.

## Further reading on the Handing Down Lens

### Main source:

SCRUTON, R. (1984) *The meaning of conservatism* (2nd edition). Basingstoke: Macmillan.

### Textbooks and introductions:

NISBET, R. (1986) *Conservatism: dream and reality*. London: Open University Press.

O'HARA, K. (2011) *Conservatism*. London: Reaktion Books.

### Significant contemporary conservative philosophy:

KIRK, R. (1985) *The conservative mind: from Burke to Eliot* (7th edition). Washington, D.C.: Regnery Publishing.

NISBET, R. (1953) *The quest for community: a study in the ethics of order and freedom*. Oxford: Oxford University Press (later republished under the title *Community and power*).

OAKESHOTT, M. (1991) *Rationalism in politics and other essays* (new edition). Indianapolis, IN: Liberty Press.

SCRUTON, R. (2014) *How to be a conservative*. London: Bloomsbury.

### Significant historical conservative thought:

The founding text of modern conservative thought is: BURKE, E. (1993 [1790]) *Reflections on the revolution in France* (ed. L.G. Mitchell). Oxford: Oxford University Press.

Influential texts by Burke, de Maistre and many others are excerpted in: KIRK, R. (ed.) (1982) *The portable conservative reader*. London: Penguin.

### Green conservatism:

GRAY, J. (1993) An agenda for green conservatism. In: *Beyond the new right: markets, government, and the common environment*. London: Routledge.

HANNIS, M. Green conservatism, <http://www.thelandmagazine.org.uk/articles/green-conservatism> [accessed 5 March 2015].

SCRUTON, R. (2012) *Green philosophy: how to think seriously about the planet*. London: Atlantic Books.

### Green political theory more generally:

CARTER, A. (1999) *A radical green political theory*. London: Routledge.

DOBSON, A. (2000) *Green political thought* (3rd edition). London: Routledge.

GOODIN, R.E. (1992) *Green political theory*. Cambridge: Polity Press.

# Conclusion

This review of the ways of thinking about work highlighted eight ethical perspectives for navigating workplace dilemmas.

These lenses present different viewpoints on workplace dilemmas, asking ethical questions that a decision-maker must have answers to – and cannot escape – when navigating workplace dilemmas. For example, the lenses of Character and Handing Down tackle fundamental problems about the moral responsibility those designing work processes have towards society. Both of these draw on the ways in which we view the world and the degree to which we accept the core values of virtue and stewardship as part of our identity, rather than abandoning them to satisfy instrumental or short-term goals.

Other lenses explore the consequences of our decisions. The Well-being Lens states that the

ultimate goal of workplace design should be to promote ‘good’ work for its own sake, and to maximise ‘good’ for the workplace as a whole. This conflicts with the Rights and Duties Lens, which suggests that individuals’ interests shouldn’t be used as means to the ends of others, even if that means that the overall amount of ‘good’ is diminished. The Well-being Lens is also contrasted with the Democracy Lens – the idea that individuals should have autonomy in the way they live their lives, and have control over what happens to them at work, rather than be dealt work that someone else has deemed to be ‘good’.

Interestingly, the three lenses of Fairness, Merit and Markets are often conflated, but, in fact, offer very different kinds of advice on how the outcomes of decisions should be distributed. While the Merit Lens advises that the most hard-working and talented

people are the most deserving, the Fairness Lens advocates distribution of benefits according to individuals’ needs. Alternatively, ethical choices made under the Markets Lens don’t pursue any particular results, and are often advantageous to the luckiest players in the market (rather than ones who merit or need the outcome the most).

While none of the lenses provide a template for the ‘right’ or ‘wrong’ ways in which work could be designed, specific workplace situations will require decision-makers to decide which choices are right *for them*. Understanding the different ethical perspectives, and demonstrating sensitivity to the ones that matter in a particular organisational context at a particular time, will be a core skill for the HR professional of the future – one that the CIPD is committed to continue developing.

## Summary of the eight lenses

### Fairness

*Everyone in an organisation should be able to agree to it, whatever their place in it.*

### Merit

*Jobs and their rewards should track talent and hard work.*

### Markets

*Jobs and their rewards should follow from voluntary market exchanges.*

### Democracy

*No one should be subject to a regime in which they have no say.*

### Well-being

*Work should be good for us.*

### Rights and Duties

*Everyone has rights to do some things and to be free of some things, and everyone has duties not to violate others’ rights.*

### Character

*Each of us should work to develop the best ethical character for our roles.*

### Handing Down

*We can’t reinvent or master the world, and are instead responsible for conserving and maintaining the small part of it over which we currently have stewardship, and for passing it on undamaged to our descendants.*



# CIPD

Chartered Institute of Personnel and Development  
151 The Broadway London SW19 1JQ United Kingdom  
**T** +44 (0)20 8612 6200 **F** +44 (0)20 8612 6201  
**E** [cipd@cipd.co.uk](mailto:cipd@cipd.co.uk) **W** [cipd.co.uk](http://cipd.co.uk)

Incorporated by Royal Charter  
Registered as a charity in England and Wales (1079797) and Scotland (SC045154)  
Issued: August 2015 Reference: 7069 © CIPD 2015