

Ethics of Care Versus Ethics of Justice: Ethical Dilemmas Faced by HR Managers

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Abstract

This case study focuses on the business and Human Resource relevance of the dilemma posed by the two conflicting schools of ethical judgment – ethics of care versus ethics of justice. The different points of view have been explored and their relevance based on a hypothetical scenario in a Chemical Plant. The long debated philosophical theories given by Immanuel Kant the German philosophers in the 17th century and John Rawls, an American moral and political philosopher have been debated in the case. Through this case, ethical dilemma faced by an HR manager when confronted with the need to care for development and welfare of the employees while catering to his/her duties towards the company has been highlighted. The most important task of HR manager is to extract and ensure maximum productivity from the employees with highest quality. However, while ensuring ethical practices in the organization; sometimes the duty takes a backseat. This puts a great dilemma before manager while taking a decision where all stakeholders employer as well as employee are looked after.

Continuing on the ethical dilemma, the different point of views has been analyzed from where such a problem can be approached. While these may not be comprehensive, they do cover the majority of perspectives. Leaving the case open ended, researcher has kept the various options open to the HR manager; from the following angles – deontology v/s teleology, practicality v/s emotionality, uniformity v/s specificity, ethics of obligations v/s ethics of rights, loopholes v/s letter of the law, duty towards people v/s duty towards company.

Keywords: *Emmanuel Kant, John Rawls, Deontology, Teleology, HR Dilemma, Ethical Dilemma, Labor laws.*

1. Introduction – The Dilemma

The set – up of the ethical dilemma is in a chemical factory located on the outskirts of the town of Rourkela. The plant specializes in making high performance chemicals for motor vehicle production. Due to the composition of the chemicals, they are of the highly odorous variety. The workmen working in the factory have been provided with equipment to deal with the odor. The general working conditions of the factory are in regulation with the Factory Act of 1948.

Ritika is the HR manager in charge of the overall working of the factory. She is deemed to be fair in all her dealings with the workmen and is a considerate and sympathetic manager; who is genuinely concerned about the welfare of the employees. At the same time, the productivity and the quality standards of the factory were one of the best in the history of the factory during her tenure at the factory.

It was brought to her notice that one of the regular work named Suraj was behind his production target frequently since the last few months. Also,

the quality of his work was deemed less than satisfactory on the days he did complete his work. The production supervisor was urging Ritika to dole out punishment to Suraj for his deteriorating performance. Ritika, wanting to hear both sides of the story, had a consultation with the union leader, who was a personal friend of Suraj.

The story that emerged created a demanding ethical dilemma for Ritika. After investigation, it turned out that Suraj was also completing the work of Radha, who was his wife and co – colleague in the same production line. Radha, being pregnant, was unable to tolerate the foul fumes generated during chemical production. Since the financial condition of the family was already shaky, the couple did not want to risk losing the extra employment by bringing the inability of Radha to the notice of the supervisor. Her quota of the work was also completed by Suraj. This led to Suraj's declining productivity.

Ritika was nonplussed. On one hand, she knew that Suraj was liable for disciplinary action; he may even be dismissed. But on the other hand, she knew that the problem was only temporary. Radha would need a month of maternity leave during delivery time, since the couple had Suraj's parents staying with them to take care of the baby. The work at the factory was not strenuous for a pregnant lady, so Radha could continue to work till the last possible moment.

Ritika thought long and hard about the course of action she should take. She was swayed both by empathy – she was soon to be married off and knew too well the problems and situations of matrimony – and by her duty towards the company and her responsibility to follow rules and regulations of the company.

What Ritika the HR manager is facing in this situation is known as the ethical dilemma based on two differing schools of thought – the ethics of care versus the ethics of justice. Before discoursing on the above, let us see the meaning of ethics.

“All actions are done on the basis of some underlying principle or maxim. The morality of the principle creates judgment for the ethicality of the action” (Kant, 1788)

Simply translated, this means that the reason behind the doing of an action should justify whether the action is ethical or not. There are several theories which judge the principle or the reason behind the action. Some of the theories are – Absolutist theory, Relativist Theory, Pluralist theory, Utilitarianism, Egoism, etc.

Through this case, the ethical dilemma is examined on the basis of two eminent theories;

1. Ethics of Care or Feminist Ethics
2. Ethics of Justice or Masculine Ethics

2. Literature Review

In the modern corporate world, care is given towards avoiding the situation of ethical issue rather than handling situation after the crisis (Pearson and Clair, 1998).

Ethics of justice was the widely accepted theoretical guide to ethical decision making till the 1960's. John Rawls was one of the most eminent contemporary justice theorists (Kittay, 1998). His theoretical understanding complies with the everyday intuition of ordinary people. Rawl's work influenced other researchers also. Another eminent proponent of justice theory was Lawrence Kohlberg (Gatens, 1998) who conducted an empirical research on the process of moral reasoning and proposed six stage theory of moral development. His theory proposed that morally mature individuals shows the characteristics of impartiality and the ability to reason which are included in Rawl's theory and they help to ensure fairness in the process of decision making (Simola, 2003).

Then an advent of feminist ethical theorists came

and presented an entirely different perspective of viewing an ethical dilemma. Amongst the most famous of the feminist proponents was (Noddings, 1984 & 1999) who coined the concept of “masculinity v/s femininity”. She did not promote ethics of care as an antithesis to ethics of justice; she promoted it as the approach that is more common to the feminine way of thinking. According to Nodding, Ethics of care should be seen as a complement to ethics of justice so that a holistic view can be taken for taking morally sound decisions. Another proponent of the feminist ethics (Held, 2006) later proposed the theory that the ethics of care are concerned more with the personal sphere while the ethics of justice are concerned more with the professional sphere. She maintained that an individual who supports ethics of justice in his professional life may be inclined towards the ethics of care school of thought when taking decisions for his personal life.

Another researcher (Slote, 2007) claimed that ethics of care and ethics of justice can be used in the same way – ethics of care can address practical issues as well as they address personal issues. The above case has been explored on these lines.

2.1 Ethics of Justice

Two most prominent researchers associated with this theory are Lawrence Kohlberg (1973) and John Rawls (1971).

Rawl's proposed certain scientific principles of justice to govern well-ordered society. However, in a situation of conflict, there should be a set of governing principles to ensure fairness. Kohlberg further on researched on the lines and proposed a six stage theory of moral development.

The theory of ethics judges the morality of an action on the basis of adherence to the rules and regulations by the principle behind the action. If the principle behind the actions subscribes to the rules and moral codes of a place, country, culture, or in the present case under consideration, a

company, then the action taken by the doer is deemed to be morally correct, according to the ethics of justice.

This theory has been as widely criticized as it has been acclaimed. While one side it sets standards to judge the morality of an action, the critiques have always maintained that the judgment on the basis of this theory has always been done post the committing of the action and in retrospect. Also, this theory excludes all other theories of ethical decision making.

This theory often conflicts with the humanitarian side of the situation and most people in decision making positions have struggled to take in the context of the situation while abiding by the rules.

2.2. Ethics of Care

The origin of the term ethics of care is closely associated with Carol Gilligan (1982). She was a student of Kohlberg and noted that he has used males in his research. She conducted the research on the moral development of girls and women and identified that their perspective was entirely different from that of men. Rather than focusing on the concept of justice and fairness, women tend to consider the situational and interpersonal aspects even more. Other researchers (Noddings, 1984; Baier, 1985; Ruddick, 1984; Whitbeck, 1983) have also contributed towards this concept.

Ethics of care decides the morality of an action on the basis of the question “How to respond?” The proponents of this theory have always argued that it is wrong to apply universal principles to all situations and personals alike, since each individual may have a set of different circumstances which made him take a typical course of action. Ethics of Care consider the principle behind each action individually as compared to universally.

Some basic characteristics of theory of care ethics are –

- a) This theory takes into consideration the fact that various people are interdependent on each other and no individual is truly independent.
- b) It also appreciates that an individual may be more susceptible to a situation than others, thus making him more vulnerable.
- c) This theory also takes into account the context of the situation of the action rather than generalizing the action according to a single context. (Gilligan, 1982)

Further research on ethics of care has formulated 4 ethical elements of care:

- 1) *Attentiveness*: Taking the case into consideration, it is the ethical duty of the HR manager to be attentive towards the concerns and problems of the employees.
- 2) *Responsibility*: Taking responsibility is the biggest element of the ethics of care.
- 3) *Competence*: Providing care with competence is as relevant as caring itself; the implementation depends on competence.
- 4) *Responsiveness*: How do you respond in the face of a problem faced by the opposing party? Do you empathize with them or view it on a universal standard? (Tronto, 2006)

2.3 Deontology v/s Teleology (Kant vs. Mill)

Deontology brings in a philosophical angle to the story. The terms have been derived by a German philosopher Immanuel Kant which deals with the philosophy of mind and ethics. Teleology on the other hand has been derived by J.S. Mill (1961). The deontological view revolves around principles and the spectator views the context basing the emphasis on duties. According to Immanuel Kant if we want to think on the right lines then we need to consider that morality cannot be connected to

feelings in any form whatsoever. Whereas the teleological view basis the entire issue keeping in mind the ends, goals or purposes. Arthur Schopenhauer suggests that in order to give empirical basis to a judgment which is morally right then we need to tie up the issue with consciousness because we cannot forget that empathy and kindness is the fundamental aspect of human nature. (Kant, 1788)

Considering the backdrop, we can see that on the basis of the Teleological view Suraj's standpoint is very well justified as we need to focus on the end result and in this case what matters the most to the company is the productivity of the workers which eventually results in company's performance. If Suraj is able to handle his wife's work as well complete his work without any performance deterioration then the HR manager, Ritika should consider his point because what matters to the company is the work being completed and not the means (being completed by one person or by two people). But on the other hand we take the case from Immanuel Kant's perspective which baselines the argument on the Deontological view of duties and means. In the present case we are aware about the fact that Radha is incapable of delivering her duties because of her pregnancy which has resulted in a loss of productivity from her side. Also we know that Suraj who has been working assiduously so as to compensate his wife's incompetence in terms of loss of productivity and has been found inefficient in his work at times. So as an HR manager Ritika should consider that the means are not being followed in the way they should be and as because the company is duly paying both Radha and Suraj for their work, the company can expect 100 percent work efficiency from both of them rather than only one working on behalf of the other and as a result work efficiency being at stake at times which will eventually affect the company's bottom line. *Can the company just focus on the end results without focusing on the means to achieve it?*

3. Different Theoretical Perspective in the Case

3.1 Practicality v/s Emotionality

If we consider the two terms both the word are poles apart but both of them have their own relevance and importance and should be considered in cases of ethical dilemmas. The decision which needs attention is that which one should be given more weightage when considering a situation which is a situation of choosing between justice and care.

Ritika being a female who is about to get married understands the importance of marriage and family and can very well sympathize with Radha and her present condition knowing that it is a genuine case of blissful motherhood at Radha's doorstep and she cannot lose out on her job due to her financial conditions and at the same time cannot work in such hazardous conditions which may affect her child's health significantly. And due to this she is bound to follow her heart and not layoff Radha because emotionally Radha has done no harm for which she should be penalized. But on the other hand if we consider the non-emotional side Ritika who is bound to be loyal to her company needs to consider the fact that irrespective of Radha entering into a new life of motherhood is affecting the company's manpower and productivity. Also Suraj has been found guilty at times in terms of not delivering his duties because of his focus being shifted to his wife's work. So in this case Ritika need to consider that eventually because of all this hustle what is affecting the most is the company's production.

Is it appropriate for Ritika to go with what she feels is right or should she stick with what everyone feels is right?

3.2 Uniformity v/s Specificity

Whether to be equal to all or to be unequal for maintaining equality is the key question in the mind of an HR person while dealing with conflicting situations. At time it is important to follow the set protocols and rules and ensure

quality among the masses but when situations come up you cannot treat everybody equally knowing that special cases require some special attention and needs to be tackled differently.

If we go by the rule book the Ritika should certainly dismiss Suraj's case because he has been found inefficient in terms of delivering his work not once but many a times in the factory. And as per the historical cases no worker has been retained in the company who has been found guilty of low production despite after giving considerable amount of warnings. But on the other hand Ritika cannot consider the case at hand to be the same as the past cases which were different on two accounts. Firstly Suraj has been found low on efficiency not due to his deliberate efforts and secondly there is an emotional factor being prevalent at workplace for Suraj which is conflicting with his ethics of duties. So Ritika needs to consider this case of a couple who have been totally responsible towards their work throughout their tenure in the company without any charges being raised against them and the recent case of loss of productivity has been due to unavoidable family circumstances which can be given due thought considering their past records and loyalty to the company.

Can Ritika consider this special case or go by the books of law and maintain equality?

3.3 Letter of the Law vs. Mitigating Circumstances

The acts governing worker's rights and duties laid down by the Indian Constitution gives a different angle while considering situations involving a verdict to be taken up by an HR professional. But with the laws comes the sword of altering and modifying the laws on the basis of one's own interests.

The current case needs to be considered from the lawful angle of abiding by the principles of fulfilling worker's rights completely as stated by the government of India. Suraj who has been

working more than 8 hours a day to complete his wife's work as well as his duties is working against the company's code of conduct. Also the Factories Act, 1948 states that women should not be allowed to work in hazardous conditions and as because Radha is not in a state to work in factory which affects her child's health is the company abiding by the law of protecting the health of its workers? Also we should consider another standpoint where Suraj can go for overtime of work and the company can consider his overtime as a compensation for working on behalf of his wife's part which can eventually mitigate the current circumstances.

Can the company take a different course of action in terms of handling Suraj's work timings in order to alleviate the situation?

3.4 Duty towards people vs. Duty towards company

Talking about the HR profession which is commonly known as the people's side of the business always faces predicament of choosing between what business demands from you and what your profession is in terms of your customers i.e. the employees of the company expects from you. Many a times the HR Managers needs to choose one at the expense of the other knowing that both the company and its employees are important and a crucial part of their professional life.

Ritika on one hand feels that listening to her

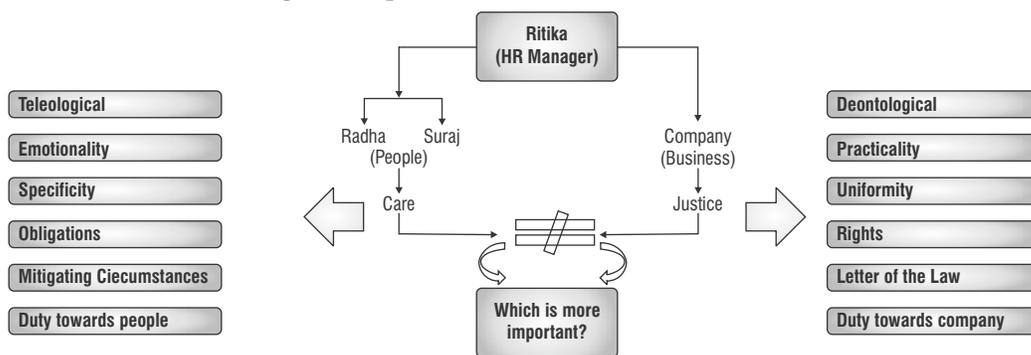
employees is her duty and ensuring the health and safety of the workers is her topmost priority which will eventually give a leeway to Radha considering that it is the work conditions which is affecting her health. But on the other hand she also needs to consider that she has to fulfill the duties towards the company which is paying her for the work of increasing company's profits by increasing worker's efficiency. *Should Ritika play the company's mascot or be the savior of the workers?*

3.5 Ethics of Obligations vs. Ethics of Rights

This concept states that if person A has a certain right on person B to commit an action, it is the obligation of person B to commit that act for person A.

Concerned with the case in point, this concept states that it is the right of the company to get a certain worth of work done by the factory workman. By default, according to the ethics of obligations, it is the duty of the workman to complete a certain worth of work for the company. On viewing the case from a masculine stand point, we find that since Suraj and Radha are not completing their responsibilities properly, they are not fulfilling their obligations to the company. From this stand point, Suraj should definitely be punished for his unethical action. Radha may also be under punitive action due to her known involvement in the situation. It can be said that she didn't fulfil her obligations to the company by not being upfront with her supervisor.

Fig. 1: Perspectives in Consideration: The Dilemma



Source: Author

4. Final Discussion and Conclusion

If we view the case from the feminist point of view, we feel that the employee also has a right to receive the concern of the company and in return, the company is obliged to care for the employee. We can stretch the concern beyond the working conditions and appropriate wage rates and proper medical facilities. Radha is a special case wherein her problem of nausea is a temporary hitch due to her pregnant condition. *She has a right to expect empathy and concern from the company. Is the company fulfilling its obligations?*

Ritika, as the HR of the factory, is responsible for both the people and the company. We can say that Ritika has the right to extract the best possible work from the workmen. At the same time, the workers have a right to expect concern from the employer, in this case Ritika. If she decides to take punitive action on Suraj, she is certainly exercising her right to do so because Suraj did not fulfil his obligations to the company. But she on her end is not fulfilling her obligations towards her employees, since part of her responsibility is to ensure welfare of her employees. So who wins at the end, is it Theory of Care or Theory of Justice, is it employer or employee? What should be the perspective in consideration; human grounds or monetary angle?

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