



Towards a re-examination of work arrangements: An analysis from Rawls' Theory of Justice

Jaime Bonache*

Universidad Carlos III, Madrid, Calle Madrid, 126 28903 Getafe, Madrid, Spain

Abstract

Using Rawls' Theory of Justice, this paper critically examines the systemic fairness of work arrangements. The analysis suggests that the simultaneous use of different work arrangements, such as knowledge-based employment and contract work, often seems to conflict with the principles that, according to Rawls, would make them a fair manner of managing people in organizations. Possibly, this could explain the growing social debate and concern about the new modes of employment. This work underscores the need for researchers to develop a systemic and more critical view of the idea of justice in HR literature so that it can confront its critics and acquire greater social legitimisation.

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In the early 1970s, institutional economists noted that firms use different work arrangements for managing people. While some people are hired by the firm on a full-time basis (standard arrangements), others, such as consultants, temporary-help workers, on-call workers, and day labourers, are employed in alternative work arrangements (Harrison, 1972; Piore, 1971). More recently, some HR authors, such as Matusik and Hill (1998), Lepak and Snell (1998, 1999, 2002), and Lepak, Takeuchi, and Snell (2003), have argued that the simultaneous use of standard and non-standard employment relationships is not only a common practice, but also an efficient initiative. It is a good way to obtain business results through people.

* Tel.: +91 624 95 78.

E-mail address: bonache@emp.uc3m.es.

Now, when and why the use of different work arrangements is not only efficient, but also just? Curiously enough, this question hardly appears in the standard HR literature, which rather focuses on efficiency as the basic object of analysis. As Legge (1998) points out, such a literature, following a utilitarian philosophy, assumes that what is efficient for companies is fair and good for both employees and society. It could be objected that the topic of organizational justice is very much en vogue these days. In fact, the need of fair treatment is often mentioned as one of the essential practices to win employees' loyalty (see, for example, Baron & Kreps, 1999). However, such a need seems to be confined to the group of employees in standard work arrangements (Boltanski & Chiapello, 1999). This is the group that usually attracts the attention of this literature. In addition, as Greenwood (2002) points out, they analyse organizational justice in relation to specific practices, such as selection (Gilliland, 1993), performance appraisal (Greenberg, 1991), dismissals (Brockner, Greenberg, & Brockner, 1986), reward (Lee, Law, & Boroko, 1999), etc. So far, they have not provided any general framework to assess the justice of the overall work arrangement system.

The lack of a general framework to assess this issue is a particularly serious problem in the context of HRM, where non-standard work arrangements are constantly exposed to attacks and criticisms from different sources (Kalleberg, Reskin, & Hudson, 2000). Critics are relatively rare in the management literature (see Alvesson & Willmott, 1992; Legge, 1998; Steffy & Grimes, 1986, for notable exceptions), but they are very prominent outside the academic domain. Examples are numerous, for instance, the so-called anti-globalization movements, or books such as *The Corrosion of Character* by Richard Sennett or *No Logo* (1999) by the Canadian writer Naomi Klein, which have become worldwide best-sellers. These critics usually express their indignation at what they consider some "unjust" work arrangements. They present the new employment modes as sources of oppression and inequalities. The strong impact of many of these works on public opinion shows the extent to which they touch the sensitivities of many people. What arouses this rejection? To what extent is it justified? How can we respond to it? What changes would be necessary for us to confront criticism? In reply to these questions and concerns, any reference to standard organization justice theory (Adams, 1965; Folger & Crapanzano, 1998), according to which work arrangements maintain equity between the employee and the organization in terms of what each contributes and receives, seems to be of little help.

One way of making up for this lack of theoretical framework is to resort to other academic fields. Among the most widespread theories for analysing the justice of social institutions and systems is the one developed by John Rawls, Professor of Moral Philosophy at Harvard University until his death in 2002. His extensive and complex work "A Theory of Justice" (TJ; 1972) attempted to set up an idea of justice for social institutions and organizations, which is one of today's most influential philosophical views of justice. (Ackerman, 1980; Bidet, 1995; Daniels, 1989; Höffe, 1977; Kukathas, 1990; Wolf, 1990). And yet, as Schiminke, Ambrose and Noel (1997) have noted, references to Rawls' theory in the current management literature are in fact quite rare. One possible reason might be that Rawls focuses on a societal level of justice, and it is not clear how well a single organization can mirror a social system. However, given that his view attempted to reflect many of the aspirations of justice professed by the citizens of democratic societies (Rawls, 1993), it might be particularly helpful if we wish to account for social rejection of some modes of employment. In fact, Rawls himself opened up this possibility: "It is natural to conjecture that once we have a sound theory for this case (the legitimation of the social order), the remaining problems of justice will prove more tractable in the light of it" (Rawls, TJ, p. 8).

The aim of this work is to show the applicability of Rawls' theory to the HR management field. More specifically, it tries to assess the extent to which it can provide a valuable instrument to examine the

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