

Dialogue III

Justice and Christian Management

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Dr. Beversluis suggests that Christian management can maintain justice in the workplace by providing a written framework of employee rights combined with an attitude of Christian love.

Can managers in a Christian organization rely on a commitment to love in treating their workers, or is it necessary to supplement or inform love with justice and, in particular, with rules, procedures, due process, written agreements, and the like? I argue that because the interests of parties often conflict, and since love by itself does not tell us how to resolve those conflicts, formal structures of justice are needed in addition to love.

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The concept of rights provides a very useful framework for thinking about the responsibilities of managers and firms to employees. Although some people dismiss appeals to rights as merely an inappropriate way to take care of oneself, concerns about rights in the workplace are appropriate. Instead of ignoring

*them, we should start with a clearer understanding of rights and obligations. Then we should put that understanding within a biblical framework and apply it to practical business issues we confront daily.*²

Phil, the owner/manager of a company that employs two dozen people, was talking to his attorney. "I don't know what Sally wants," he complained. "She says that I don't treat her fairly because I don't do all the due process type of things that non-Christian firms do. Why should I have to do all this legalistic stuff? We're Christians here. We're a family. Love and caring are much better than all those legalisms!"

Meanwhile, in the employees' lounge, Sally too was unhappy. "Phil claims to be a Christian, all 'love' and 'family,'" she said to her friend. "But it sure doesn't

make a difference in how he runs the company. He's totally prejudiced against women. I've been in shipping longer than Fred, and I'm better than he is at everything we do there. Yet Phil can't conceive of making me foreman." As they stood up to return to work she concluded, "I guess I'm going to have to file a sex discrimination complaint with the government. It'll cause a stink at church, but what choice do I have?"

Is Phil right? Is loving concern enough? Is the problem with Sally a result of Phil's not loving enough or is something else missing? I want to argue that in institutions committed to being Christian (businesses, colleges, agencies, churches), love as Phil is conceiving of it is not enough. Decisions must also be guided by justice, and justice requires formal structures (such as rules, procedures, explicit contracts, and explicit due process policies).

We Can't "Just Be Loving"

How are we to understand love? Chewning, Eby, and Roels say this about love:

Loving our coworker, our peer, and our superior means focusing on their long-term best interests. We are to look out for

*the interests of others and not merely our own (Philippians 2:4). Love is not a role to assume; love is an inner attitude, a conscious mental commitment that translates into actions benefiting others. It is reflected in the Christian's obligation to care for the whole person.*³

Christians strive to reflect the love of God in their everyday lives. Verse after verse in the New Testament tells us to "love one another." And Christ's sacrifice for our sins is the model for this love: "For God so loved the world, that he gave his only begotten son...." Love is concerned with people, not with rules and regulations (legalism). Christians and Christian organizations will seek to apply the principle of love when they need to decide whether to lay off an employee or give a professor tenure. And the argument of people who think as Phil does in our example would go something like this: If, indeed, "love is an inner attitude, a conscious mental commitment that translates into actions benefiting others," then all we need is this commitment to people's "long-term best interests." We must make decisions in a spirit of love with prayer, mutual trust, and open

communication; to make them in a legalistic spirit, focusing on such things as detailed policies, formal hearings, and contractual considerations, is not appropriate.

There seem to be, however, two ways in which a reliance on love in this sense is not adequate.⁴ First, it is not clear that

love itself can directly tell us what we should do. We need the “content” of love spelled out in more particular rules, based on some combination of appeal to Scripture and ethical analysis of human experience. William Frankena explores this issue in his essay “Love and Principle in Christian Ethics.” He distinguishes between “act-agapism,” which is the view that we judge each situation by a direct appeal to the idea of love (agape), and “rule-agapism,” which holds that we have access to subordinate rules which spell out what love requires, at least *prima facie*.⁵ Some form of rule-agapism seems necessary, though this essay will not deal with that question.

Secondly, love defined as commitment to the well-being of others needs to be supplemented by *justice*. Justice is one of the

major themes of the Bible. Justice, however, means many different things. Sometimes it refers to all virtue and sometimes more specifically to fairness or rights. In the latter sense, it addresses issues as broad as whether a society

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ought to be organized on a capitalistic basis or as narrow as whether I should give John a “B” or a “B-” on a test. The defining element in this narrower sense of justice is the idea of giving each person her due—what she has a right to, what she is entitled to, what she can legitimately *claim* from others or from society. Scripture is full of condemnations of people (usually rulers or rich people) for oppressing the poor, for failing to care for the poor, for exploiting the poor, and the like. The idea of rights is usually implicit and sometimes explicit: “Defend the cause of the weak and fatherless; maintain the rights of the poor and oppressed” (Ps. 82:4).

And:

Woe to those who make unjust laws, to those who issue oppressive decrees, to deprive the poor of their rights and rob my

oppressed people of justice (Is. 10:2).

Thus the Bible clearly teaches that people are *due* things, that people have *rights*.⁶

There are many theories about the relation between love and justice.⁷ I want to focus on the idea that “justice is love distributed.” If we take love to require that, for any given person, one attempts to do what is best for that person, we soon face the question, “What if I can do what’s best for ‘A’ only at the expense of doing what is best for ‘B’?” The idea of love by itself does not tell us how to make these trade-offs. It is justice that is concerned with how we “distribute love,” that is, how we determine what to do when doing the loving thing for one person conflicts with doing the loving thing for another person.

One sign of injustice, of not distributing love properly, is the anger that can result from salary, promotion, and dismissal decisions, even in Christian organizations. (Consider in this context the bumper sticker that reads, “If you want peace, work for justice.” In biblical terms, justice is a necessary condition of God’s shalom—Is. 58 and Is. 32:16-17.)⁸ Not all bitterness and

anger reflect unjust behavior of course, since we are all quite capable of failing to see the justice in decisions that go against us. Yet that anger can be justified, if, in fact, the decision is not just or even if the decision fails to appropriately give the appearance of justice. How can caring decisions by committed Christians in “Christian” organizations result in anger over injustice? The answer seems to be that conflicting interests have been improperly resolved.

In what follows I will explain the problem of conflicting interests and show how principles of justice deal with that problem, and then argue that putting principles of justice into practice requires commitment to explicit, written, formal procedures (rules, policies, due process, appeal processes, and the like), since the absence of these “legalistic” structures makes it harder for Christian managers to make just decisions and harder for those affected to accept the decisions as just.

Conflicting Interests

By conflicting interests I mean situations in which doing what is good for one person or institution necessarily involves harm to another person or

institution.⁹ I may love John and I may love Joan; but if only one can receive a raise or be made vice president, how does love help make the decision? I may love Jack, but if he is not able to do his job, love doesn't tell me whether it is fair to the organization to keep him in that position.

As the last example suggests, not all conflicts of interest occur between people—they can also arise between individuals and the organization, for organizations have “interests” as well. An organization's interest can be defined as accomplishing the mission of the organization. In the case of a for-profit organization such as a business, that mission involves (at least) creating profit for the owners (stockholders). In the case of a not-for-profit organization, the mission statement of the organization will define what is in its interest. The mission of a local church may be to “constitute a community of believers for worship, spiritual growth, service, and evangelism.” Given that mission, we can understand “what is in the interest of that church” as what contributes to achieving this mission.¹⁰ And what is in the interest of the organization is not necessarily in the interest of any particular employee (or other

“stakeholder”) of the organization.

Consider a church music situation where conflict can arise between the choir director's interest in keeping his or her job and the interest of the church in replacing the director with someone who they believe will do a much better job. Love without justice cannot say whether the interests of the choir director or of the church take precedence in such a case. We need to look into whether the choir director has some right—some legitimate claim—to continue in the job (e.g., based on past assurances), whether the church has the “right” to the best choir director possible, etc. Considerations of what is “best” for the church and “best” for the choir director do not ensure correct answers to these questions. (It may be that Christian justice makes the trade-offs differently than a secular justice, that Christian justice gives different weight to the interests of the choir director relative to those of the organization than would secular justice. Nevertheless, the *need* for criteria for making the trade-off is still there.)

The Nature of Justice

In thinking about justice, it seems natural to start with the

idea of equality—that in some sense and at some basic level, everyone's claim to well-being is equal. Certainly such a presumption is biblical, given the biblical notion of the worth and dignity of each individual. But “equality” does not get us very far. If I am deciding whether or not to fire someone, “equality” does not tell me what to do any more than “love” does. Clearly equality does not require that I hold a lottery to decide who will work for the company (which is probably the most obvious way of treating everyone “equally”). It seems that the idea of *rights* gives a way out of this impasse.

In identifying “rights” by reference to which we can resolve conflicts of interest, justice identifies certain interests as “trumping” others. To give a ridiculous example, my interest in staying alive trumps your interest in seeing an NBA playoff game. If your watching the game would cause me to die, you violate my rights by watching the game. What determines which interests “trump” is how vital to people's well-being they are. Thus the second table of the Decalogue identifies certain interests (e.g., to life, to property, to the truth) as interests that (normally) trump all others.¹¹

Rights can have different bases or origins. Thus some rights are “God-given” or “natural” (“All men are endowed by their Creator...”); some are legal (e.g., created by the society's constitution or laws); some are created as a result of our choices or actions (e.g., when I make a promise, that creates a right for you). God-given rights are fundamental in the sense that each person has a God-given right to have her legal rights enforced (assuming the legal rights do not violate some more basic moral principle) and to have rights created by individuals' actions (e.g., promises) respected. Scripture clearly teaches that it is the duty of rulers to ensure justice. And, if in no other way, it certainly teaches the rightness of promise-keeping by continually referring to God's own faithfulness. In seeking to distribute love justly, Christian managers and decision-makers must take each of these kinds of rights into account.

The parable of the vineyard workers in Matthew 20 seems to presuppose this idea of rights. The workers who worked all day had a right to what the landowner agreed to pay them. They did not have a right to receive more, even though the landowner paid those

hired later a greater wage. The landowner had the right to be generous with his money.

Just as interests can conflict, so can rights. If I make a promise to Sam, an employee, to promote him when his supervisor retires, that creates a right in the employee. If, then, when the supervisor retires, there is a more qualified person to take the job, the right created by the promise to Sam takes precedence over the normal right of the company to put the best person in the job. (While an argument that it is really in the company's interest to honor its promise may or may not work, the argument based directly on Sam's right as created by the company's promise surely works.)

Having said so much about justice, it is not my purpose in this project to lay out in detail

the content of justice. But surely it is clear that the first and basic principle of justice is that at some level *each human being has a right to have her/his interests treated as equal to those of everyone else*. We are all created in the image of God. God has no favorites (as Peter recognizes in

Acts 10:34); God does not show partiality (Deut. 10:18).¹² Thus none of us is insignificant; none may be treated merely as a means to another end, whether that end be the community's good or the good of some other person. The Good Shepherd goes out into the storm to find the one lost sheep, regardless of the fact that it might be better for him and the rest of the flock if he stayed close to the fold. Isaiah tells us that the Messiah will not break a bruised reed, but will bring forth justice in faithfulness (Is. 42:3,4).

Sometimes, of course, we cannot treat people equally in a particular situation. Not every case of justice involves dividing the cake equally. The decision about whose interest will prevail

in these cases must be based on a *system* that shows equal respect. For example, drawing

straws to see who goes first is a way of respecting an equal right of each person to go first when only one person *can* go first.

The Need for Formal Structures

So much for the first part of the thesis that love needs to be

informed by justice (or, alternatively, that justice must be seen as part of love).

The second part of my thesis is that justice requires formal structures (such as rules, procedures, explicit contracts, explicit due process policies, written criteria of performance, and appeal procedures). Why does justice require formal arrangements which threaten to replace Christian love and trust with legalism and litigation?

1. Formal structures inform all parties of their various rights (and hence, of their duties). Rules provide objective standards, written down with a history of application and interpretation, that can be appealed to by parties disagreeing about what would be just in a particular situation.

It may not be self-evident that it is unjust to discriminate on the basis of race or sex in certain situations. Suppose there were no established rules or procedures regarding promotions in Phil's company. Then when Phil promotes Fred to foreman, what can Sally say? Phil's position reduces to this: "I considered the issue in a loving manner, and it became clear that Fred should be made foreman." To which Sally could reply, "Well, from my perspective it is not loving at all.

Look at how it harms me. And in a situation like this, where Fred's interests and mine conflict, we need to appeal to justice to see how to resolve the conflict." If there are published policies that provide objective criteria for promotions, Sally and others have a basis for challenging Phil's decision. Of course, any given set of policies may not be sufficient to solve a particular case, but that is not to say that in general we can do without them.

2. What if Phil said, "It seems to me perfectly just to give the job to Fred. He's older than you and he's a man." How can Sally get a fair hearing in such a context for her sense of justice as equal opportunity? If Phil had published his criteria for promotion prior to this situation, he could have received feedback on them. As a result, he might have adopted a more just set of criteria. A second advantage of written procedures, then, is that the manager's conception of justice can itself be subjected to interpersonal evaluation, which should result in better policy based on a better understanding of justice.

3. The rules of the games themselves often determine what counts as justice—e.g., by virtue of letting people know ahead of

time what they can count on. The just thing to do may simply be undefined in the absence of a specific prior agreement that defines what rights people have in particular situations. For example, a firm might establish a policy that workers may schedule their vacations for any time they want, provided they do so at least six weeks in advance. Clearly there is nothing inherently just or unjust about this particular way of doing vacations. Yet once the policy is in place, the employee has a right that was created by the policy. While the employer has no obligation to create *this* particular right, a matter like scheduling vacations can be very important both to the firm and to the employee. Establishing the rights of the parties ahead of time can better enable both parties to thrive.

4. Structures can help ensure justice when the manager's incentives might work against it. If a manager needs to decide between the interests of the company and the interests of an employee, her incentives may bias her in favor of the company. Objective formal structures can help offset such bias and can be a basis for appealing a decision that appears biased. If labor market conditions are such that the

employee cannot walk away from a job without a major loss (such as prolonged unemployment), the employer has tremendous power to take advantage of the employee. When employee rights are laid out in policies and procedures, the employee has something other than his walking shoes to protect him.

Suppose, for example, that once Sally gets to be foreman and goes on salary, she ends up having to stay late day after day after day. Somehow it never is convenient for Phil to give her comp time. While a written policy regarding comp time (spelling out that it needs to be granted within, say, a month) would not guarantee that Sally gets justice here, it would surely strengthen her hand.

5. Injustice can arise because of a natural human tendency to put off and (if possible) avoid unpleasant decisions. It is unpleasant to have to fire someone, to deny someone tenure, to give someone a smaller raise than others, or to deny someone the promotion she wants. As Plato noted long ago, we naturally mistrust anyone who shows too much enthusiasm for making such decisions. Yet when people put off making unpleasant decisions, justice delayed can be justice denied. A bad situation can fester

if not dealt with quickly. Or a person may miss other opportunities if a decision is delayed. If Phil procrastinates about dismissing Fred, Fred may turn down an employment opportunity that no longer exists when he is belatedly dismissed.

6. Formal structures can help reduce injustice due to communication problems, which arise regardless of good intentions and sound interpersonal relations. Certain actions may be taken by one party as creating a tacit commitment without any such commitment having been intended by the other party. A college administrator may tell an instructor, "We can't give you tenure now because you haven't finished your dissertation, but we will continue to employ you." The instructor may take this to mean that only finishing his degree stands between him and tenure, while the administrator meant that they would *evaluate* him for tenure when he finished his degree. Problems of communication also arise as a result of managerial turnover. Tenure decisions, for example, are often made by faculty committees (none of whose members were on the committee when previous evaluations and decisions were made). If

contractual specifics and managerial intentions are put in writing, more accurate communication can take place even over time, and a range of injustices can be prevented.

7. Firms may not be able to honor commitments if circumstances change: business falls off, enrollments drop, or the expected government grant does not come through. Informal procedures that simply rely on people's intuitions about love and justice are not well-suited to coping with such contingencies. Formal procedures can consider wider ranges of contingencies and help all parties better plan to mitigate possible losses.

8. Finally, rules and procedures can promote justice for the organization as well as the individual employed, since the absence of such structures may actually make it harder for managers to serve the legitimate interests of the organization—either because disagreements about justice hamper the operations of the firm or because the interests of the firm may actually be harmed as a result of arbitration or legal action involving an issue that could have been prevented by a clear statement of the respective parties' rights ahead of time. Phil's firm

may end up dealing with a costly sexual discrimination case because it failed to get clear about justice ahead of time.

Limits of Formal Structures

While these kinds of formal structures are conducive to justice and in many cases needed for justice, as has been argued, they do not guarantee justice and can even work against justice.¹³ Thus the rules themselves may be unjust (as in the case of a school board whose rules prohibit hiring married women). As noted in the second point of the previous section, even in this case, justice may be better served by having an explicit, published rule, since an implicit or secret policy cannot be subjected to debate and criticism. Again, the rules may create “unexpected contingencies” in which a combination of events creates a situation where justice requires an exception to the rule. In such cases it would be necessary to fall back on individual judgment and to devise *ad hoc* solutions to mitigate harms that may result.

Conclusion

Commitment to running an organization in a loving manner requires that one also be concerned with justice—with

questions of rights and entitlements. Justice is necessary to properly distribute love when parties’ interests conflict. Furthermore, justice requires a range of “formal structures” that define clearly and ahead of time the rights of employees and other parties—even at the risk of “legalism.”

The job of sorting out which interests should trump in various situations is not one that individual Christian managers or owners should have to undertake by themselves. Christian managerial ethics needs to be an on-going task of the community, interpreting the moral vision of the Bible and applying it to modern managerial contexts. The central question of Christian managerial ethics will be, “How can we respect the dignity and worth of both employees and employers, all of whom God so loved that he sent his only begotten Son, given the realities of modern labor markets, modern industrial relations, modern family life, modern education (and mis-education), and so on?”¹⁴

ENDNOTES

¹The author would like to thank Sharon Johnson, Lawrence Dugan, and members of the Calvin College Business and Economics

Department Colloquium for helpful feedback on previous versions of this paper.

²Chewning et al., 1990, pp. 102-103.

³*Ibid.*, pp. 93-94.

⁴Note that Chewning, Eby, and Roels do not follow this anti-justice line, as the quotation at the beginning of this essay indicates.

⁵Frankena, William. “Love and Principle in Christian Ethics.”

⁶See Smedes, 1983, Ch. 2.

⁷See e.g., Smedes, 1983, Ch. 2, 3; Stob, 1978, Ch. 9, 10; and Frankena, 1976. Frankena concludes that love does not include justice: *...As for me and my house, the most plausible position seems to me to be a certain kind of mixed theory—roughly, one which takes as basic in ethics (1) the “law of love” and (2) the “principles of justice” conceived as independently arrived at* (Frankena, 1976, p. 87).

And:

...I think theologians and Christian moralists have been much too unclear and much too unrigorous in their thinking. They almost invariably maintain that morality depends on religion or theology but they are rarely, if ever, very careful in their formulation of this claim or in their arguments in support of it. I myself doubt that it can be established, except perhaps in some greatly and carefully qualified sense, and believe that there are at least some “principles of justice” which are logically independent of the “law of love,” of revelation, and of religion and theology (Frankena, 1976, p. 91).

⁸Is. 32:16-17 says:

Justice will dwell in the desert and righteousness in the fertile field. The fruit of righteousness will be peace; the effect of righteousness will be quietness and confidence forever.

⁹The term “conflict of interest” is used in two different senses which should not be confused. When we speak of a conflict of interest in the case of an employee who gives a contract to a firm controlled by his wife, we refer to a conflict “within the employee” between doing what is in the interest of his employer and doing what is in his own interest. In the context of this essay, I am using the term to refer to situations in which what is good for one individual is not good for another individual or for the firm, and the manager needs to have guidance as to what is the just or fair thing to do.

¹⁰An organization’s interests “count” (have moral weight) only derivatively, insofar as the organization serves various *human* interests and insofar as the organization’s interests have been given certain status and privilege by society’s rules of the game. Thus the analysis of what is just in the case of conflicts between organizations and individuals must proceed by reference to these considerations.

¹¹See Smedes, 1983, *passim*.

¹²*For the Lord your God is God of gods and Lord of lords, the great God, mighty and awesome, who shows no partiality and accepts no bribes.*

¹³My thanks to an anonymous reviewer for raising these possibilities.

¹⁴See Kathryn Tanner’s “The Care That Does Justice” for an interesting survey of how Christian feminist ethics deals with these themes.

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