

# REFLECTIONS ON MANAGEMENT

WITH TOM GALVIN

AUDIO TRANSCRIPT



## The Meaning of Justice, Equality, and Fairness (Social Contract, Part 5)

Season 6, Episode 5 – originally released 27 April 2021

*Please note: This transcript has been edited for clarity.*

*In parts 1 through 4 in the series of the Social Contract, I presented what may seem like an overwhelming challenge--getting our arms around the full system behind the social contract, one that provides a seemingly infinite variety of ways to unfairly or unjustly differentiate people, whether in societies or organizations. The systems of competition, information, power all seem to be intangible or out of reach, but they aren't! To resolve and efficiently and effectively renegotiate the social contract, we've got to find common ground. And in my mind it exists. But we have to first change the way we react to things that we strongly disagree with. That begins with finding a language that sustains our emotional commitment to what we believe, but opens the door to shared interests with those we otherwise disagree with.*

*My name is Tom Galvin and these are my Reflections on Management.*

So I spent four episodes trying to get our arms around what's wrong with the way things are right now. Obviously, we want to talk about what we can do to make things right. How can we bring lasting change in an environment where there's far greater division? So how do we get people to the table? It is a challenging one. I'm going to get to the house a little later. But what I want to start with is the what, because I think that that's even a harder topic to explore. How can you do a negotiation when there are no shared interests? Well, we've got to start somewhere.

And I think one of the things is start looking at those types of things where there is actually common ground, where there's common ideas on what is desirable, even if our description or our understanding of those ideas differs. Now, after I had recorded the first four episodes, it turned out that a colleague of mine suggested a particular book, which is an outstanding book. I read it cover to cover, and it's called *The Righteous Mind*, and it's by Jonathan Haidt. The subtitle of the book was "How Good People Disagree on Politics and Religion." And his focus was on people of good conscience who otherwise might be able to have a rational discussion on things. But because of the way in which certain issues inflame emotions make it really actually very difficult for people to come to an agreement. So what he did, through studies of moral philosophy, is he came up with a whole bunch of pairings of what he considered to be a moral value and a negative trigger. With the idea being that if you harbor a particular moral value very, very close to you, if you think that this is something that is universal and vitally important, [and] then you come across something that triggers or suggests the opposite, an opposite view or a lack of attention to that moral value, it will create a very strong negative emotional response. The argument goes that, well, the emotional response is

what you really are responding to. And then you wind up going back, engaging your rational thought and trying to find ways to explain or to justify what was your initial emotional response.

He paints this as a severe contrast to the way that we typically think that rational being should work where it's the rational first, the emotions come later. I found that very, very interesting because it certainly jived with my experience. I'll give you a couple of examples. I'm going to scatter these probably throughout the next few episodes, but one of them is, for example, fairness and cheating. OK, so fairness is the moral value and cheating is the negative trigger. So if you consider fairness to be a very, very strong value that you think should be a guide or a part of everything that we decide, everything that we do, and then you come across an instance of cheating that's in the front, that's that's an insult. I mean, you will really be upset about it and you may pursue some sort of action against the offender. Another one is loyalty and betrayal. Loyalty is how much you submit yourself to the will of the collective or how much you feel that you should owe your presence to those collective bodies around you. And then anything that done that violates that collective will, if it is viewed as a betrayal or could be viewed as a betrayal, well, it's it becomes a very, very significant issue because disloyalty is definitely seen as a bad thing.

And even though one may act outside of the collective will on the basis of loyalty, that is to say that you're going to blow the whistle on an unfair practice that is common within the collective that would be viewed potentially as a betrayal because the whistleblower is exposing the organization to things that it doesn't want to be one to have exposed or doesn't want to have to deal with. That's not to say that that these value pairs or the value trigger pairs are necessarily good or desirable. And so when we see, for example, that somebody is taking a stand against a group, then one might wish that we would side with the person who is acting on the good. But we don't. If it turns out that it harms our collective standing, it's going to be responded in a negative way. Although the the labels that he uses definitely are positive, there's nothing to say that they're used in a you know, for a positive purpose.

I'm going to list them out just so that you understand what these are. And I think they'll make sense to you. They are care/harm, liberty/oppression, fairness/cheating, loyalty/betrayal, authority/subversion and sanctity/degradation. The last one probably needs like a couple more words, because here we consider something to be true or pure, perfect or desirable or something like that, and then one who or some act that sort of violates that perfection, you respond to it in a very, very strong way.

The idea here, groups will will have different views on how they mix together these six values. So some groups will value one of these over the other five or some may value them equally. And he shows in his book, based on his pretty extensive research, that, for example, on the political left versus the political right, the political left places a couple of values, particularly care and liberty, above all of the others. And when something is violated, it will be cast as either the opposite of these two, which is either a harm or an oppression, whereas the political right tends to weight all six of them equally. They use a much broader scope of language on how and how they describe their moral standing and

the sense of the types of violations or the opposition that they that they feel. That's not to say, again, that either is right or wrong. It's just simply different.

Now, the other part that's worth mentioning is this notion which he draws from Emile Durkheim about groupish-ness. Now we can understand selfless and selfish behaviors. Durkheim, and Haidt following that, says that there's such a thing as, you know, group-ish behavior that we will tend to latch on to those who we agree with, which in this particular case could be interpreted as those with a similar ratio of the six different moral values and what one considers to be a violation of any of those moral values.

And therefore, we group together and through identity, we make these groups very, very strong and we view the other those with a different moral calculus as being opposing or even the enemy. The question that he opens his last chapter with was, "Can't we all disagree more constructively?" He answers that question largely in terms of showing empathy on the moral compass of others. But I want to go a little bit deeper. I want to think about not just what it takes to get people to the table, but an idea of what they would actually talk about from a practical sense, not in terms of the moral values, but in terms of the issue that is to be resolved. What I have in mind is that we can't talk really about the results of an issue because the negotiated result, if you go back to the episode I did on Dialectic Change, where I talked about what happens when we try to bring about organizational or social change in which you have two very, very drastically opposing views, its thesis and antithesis, the negotiation produces a synthesis. Well, whatever the synthesis is, it's going to be temporary. It's going to be fragile. It's going to be, you know, great potential to break. Even when we have a solution, it's not going to be a permanent one.

It will only last as long as conditions allow and as the situation changes in the underlying tension resumes in strength, well, that means that you're going to end up having to do yet another round of renegotiation. It's almost like in our sports leagues now, the owners and the unions have had to renegotiate the terms of the collective bargaining every time that the the contract runs out, because the underlying tension between the two perspectives simply is there. When I was thinking about, you know, what this common language would be, what I came up with was a series of what I'm going to call "principles." I don't know if the word principles is perfect. It could be 'factor.' It could be 'variable.' It could be -- I don't really care what it is. I'm just going to simply call them principles. But they represent a thing which is could very well be intangible, but it represents something that all sides would view as being desirable, desirable to the point where more is better than less. And what I mean by that is we would all agree, for example, that fairness is something that is desirable and we should strive to be more fair rather than less fair. So the nature of fairness is somewhat of a universal good. The character is what's up for negotiation? What one considers fair may differ greatly from what another considers fair. That's what the argument boils down to.

And of course, one side will say that what the other side advocates is unfair, granted. But at least we have a common language from which to even start with, sort of talking about what is fair for a given situation. Now, different principles apply to different contexts. For example, I think that some moral values are more salient at the collective level, whereas others are more salient at the individual

level. So in the remaining episodes of the series, I'm going to cover four different perspectives. And the first one is the collective toward the individual or the collective towards the member. Now, who I mean by collective, you would assume that would be the collective leaders, which in the society would be the government or elected leaders or those with the greatest power within a particular society who could very well include private sector, individual and whatnot. But they characterize what is to be considered to be good about any decision that affects the members.

These are going to be three principles, ones that kind of makes sense in general. But I want to define them very, very clearly. And [these are] justice, equality and fairness. Now, justice is not the opposite of injustice. It's its my use of it is a little bit different here. The word injustice is a common word that we use to describe something that is wrong. And what I want to say is that an injustice is not the opposite of just 'justice.' It's essentially the opposite of the sum of justice, equality and fairness. So I want to do is I want to go through each of these and I want to use a non-controversial example of driver's licensing to help with explaining what these are and why they why the differences between the three matter, because we do tend to use justice, equality and fairness almost interchangeably sometimes or to some people, what one calls justice. ...

The thing with driver's licenses, it's in response to a public need. It's provided by a government. But it's you know, it is in accordance with the will of society that public safety is really vitally important. Roadways are an essential service, as are waterways. So we can extend this to pilot's licenses, boating licenses, et cetera. You know, the bottom line is that the the network of transportation options, we find those to be good and we want to ensure that they're used safely. And so we instituted a bureaucracy whose job it is, is to ensure that all those who are using public ways are doing so safely and appropriately. So the question then is what is appropriate? And this is this is where I'm going to use the word just, which is different than the common way in which we use justice. But the appropriateness of the provision is really important. We would consider it appropriate to offer licensing in order to ensure public safety.

But to what extent is it needed or for what purposes? For example, we have differentiated -- we've set age limits. We've differentiated senior citizens. So you have to have eyesight. You have to have certain capabilities. We require special licenses for things that are not ordinary common vehicles. We have point systems that are there to track and deal with those who are violating the law, violating the public safety through their their actions. So there's a lot of things that's a little bit more than just the licensing. It's its all the aspects of the licensing, the whole environment of the ... license. That is a question here. And so then you can see how even though we may agree with the licensing, we may not agree to the extent to which the provision of the license either goes into too much detail, is gets too prescriptive or perhaps not prescriptive enough. So sometimes we add rules when certain laws, there's a pattern of certain laws being broken, often, et cetera. What's considered appropriate in that regard, that becomes a matter of public debate. So that's one.

Equality. This is one about access access to the service or access to the collective good. The collective should provide reasonable, equitable access to everyone according to what's considered to be equitable. So everyone who is eligible for a license should be able to have access to the ability to get

a license and to maintain it. You know, what are the factors that get into the equality of this? For example, in the old days when it was all done by paper or manual processes, you had to have Department of Motor Vehicle or vehicle licensing centers, driver's licensing centers scattered throughout the state. Where do you put them? Do you put them all in the urban centers so that you can have fewer of them and make everybody drive transport, be transported by somebody else a long distance in order to in order to be licensed? Or do you go to online access where you have to have the safeguards in place to ensure that, you know, the that the people who are using it using an online system are who they say they are. All of those sorts of things get into the equitability of access. OK, so that's that's a quality.

And then there's fairness. And fairness is one where we're talking about the experience of receiving the service. Is everybody experience receiving the service the same way in the United States in driver's licensing centers? The answer is generally yes, because it follows a very, very tried and true bureaucratic system by which everyone, regardless of stature, status or whatever, goes to the building during the designated hours, gets there. No sits in a chair in which there are a number to be called and they're processed until basically nothing more can be done. Now, the violation of this is a corrupt practice by which people can, for example, buy their way to the front of the line.

In other words, cheating. The concept of fairness is very, very consistent with what he said about fairness and cheating as a moral value and a negative trigger. You can think of all of the different ways in which people could very well pay their way or do things or whatever that allow afford them a far more efficient experience at getting a license than another person. This also gets into the experience of taking the driver's test. If the driver's testing evaluator is treating people differently on the basis of skin color or on the basis of gender, on any other bias that is not appropriate for consideration of the qualification of one to receive a license. Well, of course, that is unfair. That is cheating of a different way. You know, we really, really no kidding expect that the bureaucrats would treat everybody absolutely identically. Why would we want something different?

Here's something to consider when there's exceptional cases, to what extent is the bureaucracy respond to the exceptional case? How flexible is it in order to take care of the individual needs, which may very well be different and may require greater investment on the part of the government to ensure that a wide range of accommodations are made for those who need it. Let's consider learning disabilities as an example. There's a couple of accommodations, one on equality that those who can safely operate in a vehicle despite the learning disability should have access and that the the testing process, et cetera, provide suitable accommodations so that they can be fairly tested within their abilities to do so.

And the question is, you know, to what extent should these accommodations be provided knowing that there may be costs associated with providing such accommodations? Would you would you can see is that there's a number of social issues we can we can put on the table an idea of what is considered to be appropriate or inappropriate from the perspective of multiple stakeholders of what is considered equitable or inequitable or fair or unfair and what aspects there are, so long as there is

overall values of fair fairness, equality, justice are considered to be the aim. All else can be negotiated within that. We can get down to the character of the issue and not dwell too much on the nature.

So that's the goal. That's what I'm hoping to do through the rest of the series. Like I said, it's going to include other perspectives. So the next episode I'm going to talk about those principles associated with the perspective of the member toward the collective. I think you'll find it interesting. I hope you will tune in.

*... And that's all for now. The views expressed are my own and do not necessary reflect the United States Army War College, the United States Army or the Department of Defense. Thank you for listening and have a great day.*

**ALL THE BEST!**

**TOM GALVIN**