Managerial Legitimation of Allegedly Unfair Decisions:

Studying Arguments in Career Advancement Disputes

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By

Rasim Serdar Kurdoğlu

School of Business
University of Leicester

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Abstract

This study offers a new theoretical view of organizational justice and empirically applies it to study the fairness of career advancement decisions in organizations. Theoretically, the study challenges the concept of procedural justice in organizations by drawing on Hayek’s liberal justice theory. This study advocates that it is inappropriate to transfer societal procedural justice expectations to organizations where the rule of authority is dominant. The study subsequently introduces a new understanding of interactional justice derived from Perelman and his colleague’s argumentation theory along with an economic understanding of interactional justice as a constituent of distributive justice. Accordingly, eristic modes of legitimation (preposterous reasoning to win the argument) are considered to be a breach of interactional justice, which is crucial to enable economic exchanges without deception.

The framework is applied empirically to explore how disputes concerning allegedly unfair career advancement appointments are susceptible to eristic modes of legitimation. 15 independent interviews were conducted with former employees who claimed that their promotions were denied unfairly. These interviews were accompanied by 21 interviews with HRM (Human Resources Management) professionals who had experience addressing employee complaints. The consequent rhetorical analysis indicates that raising unfairness concerns can be futile and destructive when managerial authorities are in an eristic mode of discussion that instigates malevolent political strife within organizations.

This study reveals the following three major consequences of eristic legitimation attempts: (1) Because eristic attitudes hinder the possibility of resolution through argumentation, the gap is filled by organizational politics and impression management as civilised forms of aggression to defeat the other party. (2) Eristic uses of poor managerial justifications and legitimations by non-argumentation can deteriorate the certainty of future incentives and impair employee motivation and performance, which can consequently make managerial legitimation arguments a self-fulfilling reality. (3) Abusive use of dissociation arguments can conceal managerial mediocrity and inefficiencies, as hinted by employees’ unfairness arguments appealing to meritocracy.
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Chapter 1: Introduction

“A cheerful obedience is universal when the worthy bear rule.” One of the moral sayings of a Roman Slave named Publius Syrus (2016, p. 29 [1st Century BC]).

It is a natural reaction to be displeased when we believe that we are treated unfairly, and the workplace is no exception to that sort of indignation (Vough and Caza, 2017). In this respect, employees can resent their managers if they are not promoted, which is the interest of this study. Employees have long been known to have expectations of being rewarded in proportion to their contributions (Adams, 1963; Colquitt et al., 2001; Törnblom and Kazemi, 2015). Advancing the careers of employees who are likely to contribute in the future or who have contributed greatly in the past is one way to reward employee contributions. Conversely, refraining from that reward can be a source of frustration for the involved employees.

There is indeed nothing new in arguing that employees care about the way they are treated fairly as a way of indicating that unfairness perceptions can have serious backlash for organizations. Organizational justice literature, as testified by several extensive reviews (Colquitt et al., 2001; Cropanzano, Bowen and Gilliland, 2007; Cropanzano and Stein, 2009; Fortin et al., 2016; Rupp et al., 2017), is well established to elucidate employees’ senses of unfairness and their consequences on organizations. As of 2018, the Web of Science database has identified over 4000 studies conducted on the topic of organizational justice, which attests to its magnitude as well.

This study will use fairness and justice synonymously to follow the general practice adopted in the organizational justice literature. In relying on a legal understanding of these terms, Goldman and Cropanzano (2015) argued that justice should be regarded as an appraisal based on formal standards such as laws, while fairness should reflect a subjective moral assessment. Nonetheless, dictionaries use both terms synonymously. It
seems that the differences between fairness and justice are more related to normative philosophies than to semantic differences. For example, Rawls’ (1999) ‘justice as fairness’ theory distinguishes fairness as being consistent to everyone in the Kantian spirit and then argues for connecting these two terms philosophically. Overall, both concepts in organizational practice commonly refer to a claim of worthiness. Hence, when an individual perceives something as unfair or unjust, he or she is basically claiming that he or she does not deserve the treatment inflicted. In a similar fashion, the organizational justice and fairness literature has concentrated on perceptions of fairness and justice, framed as individuals’ moral reactions to how they are treated (Rupp et al., 2017).

Organizational justice research is a remarkably sophisticated field, as it is able to illuminate the following: (1) why employees care about organizational justice, (2) how employees assess justice and how they respond to it, (3) the outcomes of their perceptions of injustice, and (4) and precursors of their judgements of justice (Colquitt and Zipay, 2015; Crawshaw et al., 2013). However, the current conceptualization of organizational justice research (Cropanzano and Ambrose, 2015; Fortin, 2008; Rupp et al., 2017) may impede further contributions of justice scholars, especially in terms of having a positive impact on organizational practices. Several justice scholars (Greenberg, 1988, 2009; Fortin and Fellenz, 2008; Lefkowitz, 2009; Cuguero-Escofet, Fortin and Canela, 2014) have questioned the practical effectiveness of justice research in this respect, but they did not advocate fundamental theoretical changes. The current theoretical paradigm in justice research, which has offered “universally recognized scientific achievements that for a time provide model problems and solutions to a community of practitioners” (Kuhn, 1970, p. viii), can perhaps be altered to accommodate a different set of achievements than those realized thus far. This study aims to challenge the theoretical foundations of justice research from that perspective.

To offer and apply a new theoretical view for investigating organizational justice, this study goes beyond an isolated focus on employees’ senses of fairness and their directly visible consequences. For a claim of unfairness in organizations, there must be two parties, namely, an employee who has an unfairness concern and a managerial
authority who is blamed for that unfairness. Thus, every unfairness claim denotes a dispute between an employee and a managerial authority. Accordingly, this study focuses on that neglected disputatious nature of unfairness claims by incorporating managerial legitimacy claims into its research scope. In this pursuit, it empirically focuses on allegedly unfair career advancement decisions of managers.

In the remainder of this chapter, the first section will outline what is novel and significant about this PhD thesis, both theoretically and empirically. The same section will also present the research goals that have been pursued by this study. The second section will identify the organizational problem that is to be addressed by this study. The final section will present a brief overview of the entire study.

1.1 Foundations of the thesis

As several meta-analytical reviews (Cohen-Charash and Spector, 2001; Colquitt et al., 2013; Rupp et al., 2017) indicated, organizational justice research is typically interested in exploring the relationships between justice perceptions and other variables such as procedural rules, cultural dynamics, and personality traits. The usual goal is to search for causal or correlational relationships, while the underlying motivation seems to be controlling employees’ justice perceptions for managerial purposes (Cohen-Charash and Spector, 2001; Conlon et al., 2005; Cropanzano et al., 2007; Simons and Roberson, 2003). However, that approach is likely to fall short of explaining the aftermath of managerial responses to subordinates’ unfairness concerns within a process. Moreover, the issue is usually studied from the managers’ point of view (Lefkowitz, 2009), not from a broader organizational perspective that can hold managers accountable for their responses to their subordinates’ unfairness reactions.

One possible approach to assess managerial responses to unfairness concerns could be to study organizational justice with a normative view, indicating what should constitute a just outcome (Barker, 2002; Brenkert and Beauchamp, 2010; Crawshaw et
A certain moral doctrine could be defended accordingly to shape human resources management behaviour (Greenwood, 2002). This line of research can attempt to influence managerial practices and policies by defining codes of ethics to address ethical challenges in organizations. For example, Dobos (2017) questioned whether it is ethical to exploit social networks to secure advantages in career advancement. This researcher adopted a deontological perspective to develop a series of categorical ethical principles, which can be used to assess the fairness of using social networks to gain career advantages.

Moral philosophy could be useful to design standardized ethical codes, normative policies, and procedures; however, their effectiveness can be highly contentious. For instance, the renowned Enron scandal testified that corporate ethical codes and policies can indeed be tools of impression management to disguise contentious managerial actions, rather than mechanisms to ensure compliance (Sims and Brinkmann, 2003). Although such written rules can have important roles in regulating the ethical climate of an organization (Wang and Hsieh, 2013), those rules and regulations do not have a resolution power on their own as they are susceptible to different interpretations and execution. Furthermore, as modern societies are characterized by value plurality, it is infeasible to indoctrinate employees with certain normative views such that they all adopt uniform moral values in a harmonious way (Wagner-Tsukamoto, 2003, 2008).

Instead of offering a normative view to assess the inherent value of justice claims, this study proposes to focus on the quality of interactions between managers and their subordinates when they argue about the fairness and legitimacy of organizational outcomes. The conceptual model of this study depicts a rhetorical clash between parties who have different constructions and interests concerning what should be accepted as fair. It theoretically conceives managers as institutionally embedded agents who attempt to legitimize their ethically controversial decisions regarding their subordinates’ careers. Subordinate employees of those managers are also conceived as institutionally enabled as well as constrained individuals, who form their unfairness claims as a reaction to the managerial decisions they deem as unfair. Each of the subsections that follows will
introduce further conceptual configurations of this moral tension between managers and their employees.

Before introducing the conceptual building blocks of this study, definitions of some key terms need to be stated. As will be explained in Chapter 2, different theoretical understandings exist for distributive, procedural and interactional justice (Colquitt, 2001; Bies, 2005; Rupp et al., 2017); however, what is meant by these two forms of justice in general is not ambiguous. Distributive justice refers to justice in the outcome, which can be, for instance, regarding the outcome of a managerial decision on promotion of an employee. By contrast, procedural justice refers to justice in the execution of rules and processes that can influence or determine the outcome. For instance, a promotion decision can be challenged in an organization by referring to the fairness in application of the organizational rules. When a breach of rule or process is the source of discontent, that is, when means of the outcome are challenged rather than the inherent quality of outcome, procedural justice is referred. On the other hand, interactional justice refers to quality of the communication between involved parties instead of the outcome itself nor the processes and rules that determine the outcome. For instance, one can react to a managerial incivility in an organization after a promotion, and call it an unjust treatment, despite not inherently challenging the decision outcome nor execution of the rules and processes that leads to the outcome.

Organizational justice researchers descriptively attend to procedural justice perceptions in organizations, as employees are likely to use procedural justice as a heuristic device to form their distributive justice expectations and eventually estimate their trust in authorities (Lind, 2001; Colquitt and Zipay, 2015). Thus, this study does not imply false consciousness on the part of employees, nor does intend to inspire emancipative research projects since procedural justice perceptions are likely to have appropriate functions for employees. In this regard, justice researchers have justifiable descriptive interests about how employees sense procedural justice, however, they tend to neglect economic mechanism of employment and realities of organizational order as will be introduced next. In this respect, the motivation of this study is to broaden the current theoretical perspectives on organizational justice to study how employees’
justice perceptions that are not aligned with the organized order can be abused by managers.

Using Hayekian definitions to study justice

The theoretical basis of this study originates from Hayek’s (1973, 1976, 1979) rule of law and justice theories, along with Perelman’s justice theory (1963, 1980) and his collaboratively developed argumentation theory of new rhetoric (Perelman and Olbrechts-Tyteca, 1969). Hayek developed his theoretical views to oppose socialism while advocating classical liberalism and free-market economies. Thus, he had macroeconomic concerns, which are not directly related to this study’s micro-level organizational interests. However, Hayek proposed a crucial theoretical distinction that constitutes a highly relevant basis for this study.

Likewise, neither Perelman (1963, 1980) nor his collaborator, Olbrechts-Tyteca, (Perelman and Olbrechts-Tyteca, 1969) were organizational scholars. However, their works offer a meaningful analytical framework that can be applicable to investigate organizational justice. Moreover, the theoretical views of Perelman and his colleague are not incongruent with Hayekian views. Their theoretical views recognize the value of traditions and customs in administering justice, and they commonly deny the rational omnipotence of individuals in devising socially generalizable moral norms. At the same time, they both highly regard the use of rationality at the level of individual interactions.

Hayek (1973, 1976, 1979) divided social orders into two categories, spontaneously evolved orders of great societies and deliberately designed orders of organizations. Hayek (1973, 1976) argued that spontaneously evolved orders and organizations have different natures that bring about the following distinct justice implications: (1) While a spontaneous order involves individuals who act by their self-interests without any deliberate social coordination, an organization involves individuals who are subject to the directions of an authority who established the goals. (2) While the rules of just conduct in a spontaneous order are composed of abstract negative procedural norms that
only impose what people ought not to do, administrative rules in an organization are composed of concrete positive instructions to command what its members ought to do. (3) While impersonal market mechanisms are responsible for distribution of rewards in a spontaneous order, organizational administration is responsible for the distribution of rewards in organizations. (4) While a spontaneous order is amenable to procedural justice expectations that can be protected by the evolving rule of law and independent judiciary, an organization is a deliberate design that cannot evade the rule of authority for its internal administration. Hayek (1976) also argued that individuals can easily confound the distinct nature of these two orders and hold conflicting expectations inimical to the functioning of the order in which they operate. For instance, individuals can wrongfully expect market outcomes in an organization and complain about injustice; or they can unreasonably expect organizational arrangements in a free-market and complain about social injustice.

By drawing on those Hayekian ideas, this study argues that the oft-studied procedural justice standards (Thibaut and Walker, 1975, 1978, Leventhal, 1976, 1980) borrowed from Anglo-American legal systems are a mirage for organizations as they are only applicable to spontaneously formed market orders. Except the limited legal domain where a managerial agency is restricted by certain legal obligations, it is not feasible for managerial decisions to be subject to procedural justice expectations in organizations. In an organized order, an authority dictates the outcomes, rather than agentless procedures. Nonetheless, the quality of interactions is crucial in organizations, particularly for their economic functions, as those interactions intersect with the market order for employment. Although an organization is an order of authority, employees and organizations are in free-market exchange relationships that necessitate having interactions conducted without deception for both parties to have rational choices in employment markets. This is so as “the prices determined by just conduct of the parties in the market, i.e., the competitive prices arrived at without fraud, monopoly and violence, was all that justice required” (Hayek, 1976, p. 73).

Organizational procedures matter to regulate those fragile interactions, as they empower both employees and managers for their justice and legitimacy claims,
respectively. However, the key concern in this study is that managers can misuse their authority as well as organizational procedures to legitimate their decisions hypocritically by abusing the power of rhetoric. “The effective limitation of power is the most important problem of social order” (Hayek, 1979, p. 128). With that concern, eristic features (abusive use of rhetoric and preposterous reasoning to defeat rather than to seek resolution) of managerial legitimacy arguments have been investigated in this study as a potential indicator of the abuse of power.

**Eristic legitimations and hypocrisy**

Eristic talks are characterized by an abusive use of language and reasoning performed to defeat another party at all costs rather than searching for truth or resolution (Perelman and Olbrechts-Tyteca, 1969). In eristic talks, interlocutors can uncompromisingly cling to their opinions in a one-sided and deceitful manner to obstinately impose their opinions (Walton, 1999). Eristic dialogues can involve dishonourable and devious uses of rhetorical techniques in communication to make weak arguments appear strong in the eyes of a spectator who can determine the winner (Perelman and Olbrechts-Tyteca, 1969; Margolis, 1995; Booth, 2004). In these respects, eristic arguments can be exploited to legitimize contentious managerial decisions in a hypocritical manner.

Hypocrisy can involve failing to practice what one preaches (Stone and Fernandez, 2008); holding double standards, i.e., applying moral values only to others while alleviating oneself from the professed values (Polman and Ruttan, 2012); or exhibiting an urge to appear moral while avoiding the consequences of being moral (Batson et al., 1997). The idea of hypocrisy in all respects implies resorting to the use of impression management tactics to create an image of ostensible compliance with explicitly endorsed ethical standards while breaching the same standards. In this sense, it reflects a type of dishonesty in concealing moral contradictions. Conversely, hypocrisy performs some favourable functions as a lubricant of social and political life, as it brings civility to these realms (Davidson, 2004). Complete moral integrity is argued to be destructive to social relations in this regard since hypocrisy brings about politeness and alleviates
social frictions. Likewise, Brunsson (2002, 2007) argued that hypocrisy and the resulting inconsistencies between words and deeds are almost a necessity for responding to the conflicting expectations of legitimacy held by different stakeholders. However, the benign functions of hypocrisy are unlikely to eradicate its deceptive destructiveness, especially when employees are concerned about the fairness of managerial decisions. Current conceptualizations of the organizational literature fail to respond to such managerial expediencies, as will be explained in the second chapter. The main argument to be highlighted here is that managers can hypocritically use organizational rules through eristic modes of interaction to legitimize their controversial decisions.

**Perelman’s theories and the rhetorical intricacies of eristic legitimations**

While Hayekian views are useful to conceptualize the nature of relationships in different social orders, Perelman’s works enable the investigation of the rhetorical intricacies of affairs where justice is a concern. Perelman’s justice theory (1963, 1980) posits that even when an individual authority attempts to rationally devise norms derived from abstract justice principles, the practical application of those rules would inevitably require interpretation by a judging authority. This interpretation process is an argumentative process that is susceptible to rhetorical abuses. Thus, while the use of managerial authority is indispensable for an organized order to adjudicate conflicting justice claims, managerial authority can be a problem by itself if it is misused. With this concern, the contentious use of arguments has been investigated in this study by using Perelman and Olbrechts-Tyteca’s (1969) argumentation theory of new rhetoric, which offers a rich analytical framework to study the major rhetorical elements of arguments.

As Symon (2005) noted, a rhetorical approach is useful to study political dynamics at ‘a micro-discursive level’ in which comprehensive analysis of individual arguments can reveal linguistic strategies employed by involved parties. By rhetorical analysis, one can sense how language is utilized “to convince an audience of a construction of reality congruent with their interests (through justification) yet undermining of others (through criticism)” (Symon, 2008, p. 78). In this regard, this study has aimed for an interpretative rhetorical analysis of arguments of different organizational members. This
has been chiefly conducted by focusing on arguments and counter-arguments in relation to career advancement disputes within organizations. To this end, a two-fold research design has been developed in which accounts of some former employees, who claimed that they were unfairly overlooked for promotion, have been investigated along with some HRM professionals’ general views on career advancement issues.

The theoretical novelty of this study has led to an original empirical investigation of ethically controversial career advancement decisions. In contrast to this study, career advancement controversies have usually been studied from distinct sociological or psychological perspectives in the research literature. The sociological wave of research largely addressed the issue as a group-based discrimination problem (Goldman et al., 2006; Sliwa and Johansson, 2014; Drydakis, 2015). By contrast, some psychological research studied career advancement controversies in terms of psychological relationships between career success and various political influence tactics (Higgins, Judge and Ferris, 2003; Harris et al., 2007; Pfeffer, 2010; Lee et al., 2017). Others concentrated on employees’ psychological justice reactions in relation to career management issues (García-Izquierdo, Moscoso and Ramos-Villagrasa, 2012; Webster and Beehr, 2013; Villanueva-Flores, Valle and Bornay-Barrachina, 2017) as a typical organizational justice problem. In addition, hybrid approaches exist in conflict management literature (Mahony and Klaas, 2014; Currie et al., 2017) as well as in employment relations literature (Burris, 2012; Bashshur and Oc, 2015; Mowbray, Wilkinson and Tse, 2015). However, different from all those approaches, this study has produced a distinct argumentative inquiry regarding career advancement decisions in organizations based on a novel conceptualization of organizational justice. The next section will describe the problem addressed with this conceptualization.

1.2 The problem: Controversial career advancements

A recent UK-based survey by the Chartered Institute of Personnel Development (CIPD) showed that 33 % of 2037 employee respondents were disappointed with their career progressions, while 31 % of the employees participating in the same survey
reported that they find themselves over-qualified for their current positions (CIPD, 2016). According to the same survey, of the employees who reported that they were dissatisfied with their career progression, 39 % of them blamed their line managers, while 34 % of them blamed negative office politics, and 29 % attributed their dissatisfaction to the failure of their performance management systems. These statistical figures hint that career advancement in organization can be subject to heated controversies and disturbances. Although this study does not attempt to discuss statistical prevalence of career advancement disputes in specific populations, such statistical figures can constitute a viable starting point for precipitating an inquiry into the issue.

A struggle to resolve conflicts on career advancement is indeed an existential struggle, as our work lives sharply influence the way we experience our presence in the world. Changes in our career have remarkable power to change our social status, our earning capacity, our self-actualization, our emotions, and our relationships—basically our existence. In this regard, a career struggle can potentially ruin one’s life dramatically as much as a thriving career can lead to radical improvements. From this perspective, allegedly unfair management decisions concerning the careers of others can have dramatic consequences for the people involved in these decisions, and certainly for the organizations, as their human resources can be impacted. Questionable appointment decisions of managers leading to career advancements of specific employees are not simply an affair of the individual employees; rather such decisions constitute micro foundations of underemployment and economic inefficiencies as well as social dissatisfactions. In all these respects, a dispute on a career advancement decision matters highly.

Sen (2009) argued that an unfairness claim always deserves a comprehensive analysis, as it is a sensitive issue conducive to indignation and further repercussions. However, a satisfactory outcome of an analysis is obstructed by the lack of distinct rational and moral means to adjudicate controversial subjective claims. The most dramatic aspect of the issue is that while people’s lives are at stake by managerial discretion, there is no reliable objective standard to measure the unfairness claims of
employees, nor are personal claims always reliable on their own. Although organizations often have rational bureaucratic policies and procedures to adjudicate what is fair or unfair, which specifically reflect those organizations’ fairness perspectives and therefore alleviate the moral relativity problem to an extent, it is still impossible to resolve the fairness disputes objectively. This is simply because unfairness claims are usually prone to social contestations. As Shakespeare wrote in his Macbeth, “Fair is foul, foul is fair”, which means that things that look fair from one perspective are unfair from another perspective, and likewise things which appear as foul can also be fair. Thus, appearances can be misleading, as what matters is the ensuing reasoning processes used to interpret the appearances.

An example from referee decisions in football games can be a meaningful metaphor. Football matches are usually recorded live with precision, and rules of fouls are generally well established. However, often commentators disagree on whether a penalty is indeed a penalty or not. In this sense, what has really occurred and what the rules dictate can be overshadowed by how an act is interpreted and presented in arguments. Similarly, talks concerning fairness are not simply a judgement based on specific moral rules or based on what has really occurred; rather, those talks have their own performative roles implicated in micro political struggles that validate a specific version of interpretation against others.

The complications associated with a lack of objective justice standards in organizations might enable opportunistic and potentially exploitative ruling by powerful parties who either hold formal power in organizations or who enjoy crucial political connections to secure their positions (Andrews, Kacmar and Harris, 2009). From this power approach, some people in organizations can be allegedly subjected to unfairness by being exposed to an unjustified exercise of power and political tactics. Hence, these forces can work to annihilate unfairness claims through counteracting claims asserting that everything that is occurring is not unfair. They might argue that what has occurred is a part of business as usual or what ought to occur in the business life. In that sense, lack of objective standards to judge fairness claims can deprive weak parties of voicing and defending their positions, as powerful parties can promote their contrary views by
misusing various ambiguities to their advantages. It is also likely that employees can exploit their victim status as a weaker party, and therefore can take advantage of the situation unfairly from management’s perspective.

While this study is not offering an objective standard to judge moral views intrinsically, it problematizes the quality of interactions when conflicting views are negotiated. It addresses how related parties, i.e., managers and their subordinates as well as human resources managers and other related professionals, construct and defend their positions discursively in relation to career advancements in organizations. Discursive interactions host contests of reasoning and argumentation that can be meaningfully studied through rhetorical analysis (Toulmin, 2003). The concern of the rhetorical analysis conducted in this study is eristic legitimations that denote violation of interactional justice and abuse of power.

As a socio-psychological force, legitimation is a claim that purports to elicit consent and submission by influencing the socially negotiated meaning (Tyler, 2006; Vaara and Tienari, 2008). Facing a managerial legitimation claim, an employee can oppose its power by sustaining his or her own claim of unfairness. Such disagreement on fairness and legitimacy warrants ethical inquiry, as it raises the possibility of the abuse of power.

“There are different ways to denominate this unreasonable exercise of power: you may call it abuse of law, excess or misapplication of power, bad faith, iniquity, a ridiculous or arbitrary application of legal regulations, an act contrary to the general principles of law common to all civilized nations” (Perelman, 1979, p. 121).

This study advocates that disagreement is not ethically problematic if it is resolved through genuine reasoning rather than through the preposterous reasoning of eristic argumentation. When managers dispute their employees’ unfairness claims, they are entitled to impose their will, within the scope of their authority, if rationally justified. “For a just rule is not arbitrary: it must have the justification of a basis in reason, even if that basis does not command unanimous agreement” (Perelman, 1963, p. 70). Reason
does not exclude the employment of principled values. As Perelman (1979, 1982) indicated, justifying choices by committed values is practical use of rationality, without the precision of formal logic. Values are non-rational but not irrational, and they are indispensable for the practical reasoning required to resolve morally contentious issues (Perelman, 1980). In this regard, reasoning with values lies in the realm of rationality, although it may lead to disagreement.

By contrast, complete abandonment of rationality is to “depend solely on irrational choices based on interest, passion, prejudice, and myths” (Perelman, 1979, p. 8). Eristic argumentation, i.e., preposterous reasoning to defeat rather than to seek resolution, can be a hypocritical medium to disguise the irrational factors behind a managerial decision. Thus, a managerial legitimation claim can only be respected as an exercise of managerial authority when it is premised on reasoning and accompanied by principled values that are genuinely endorsed. Otherwise, when the legitimation claim is eristic and a product of preposterous reasoning, it is a deception. For the scope of this study, analysis of eristic legitimations claims is particularly crucial from an economic perspective, as eristic legitimations of managers distort the rational decision making possibilities of the affected employees.

Based on the theoretical views summarized in this chapter, which will be explained in detail in Chapter 2, this study involves an empirical investigation to address the problem of eristic legitimations within the context of career advancement disputes. For the empirical research, 15 independent interviews have been conducted with former employees who claimed that their promotions were denied unfairly. In addition, 21 independent interviews have been conducted with HRM professionals to elicit their general perspectives on career advancement decisions. These two separate fieldworks have provided insightful knowledge on how different parties conceive the fairness of career advancement decisions in organizations.

The empirical investigation has overall aimed to explore: (1) How are competing legitimacy and unfairness claims rhetorically negotiated within the context of contentious career advancement decisions? (2) What are the roles of eristic legitimacy
claims in such disputes? The consequent rhetorical analysis has indicated that raising unfairness concerns can be futile and destructive when managerial authorities are in an eristic mode of discussion that instigates malevolent political strife within organizations. A breach of interactional justice, in the form of using eristic modes of legitimations, has found to be conducive to various inefficiencies for organizations as well as for individual careers. The results of the empirical analysis will be presented in detail beginning in Chapter 4.

1.3 Brief outline of the thesis

This introduction chapter has outlined the aims and significance of the thesis by briefly presenting its theoretical foundations as well as by revealing the problem it intends to address. Below is a brief overview of each chapter in this study.

The next chapter, i.e., Chapter 2, will have two purposes. The first is to identify the gaps in the career advancement and organizational justice literature. The second is to offer a novel theoretical framework to address the identified gaps. For these purposes, Chapter 2 will first review literature related to career advancement from a fairness point of view. It will then present the strengths and limitations of the usual research approaches adopted to study organizational fairness. The chapter will subsequently expound on what this study offers as a new theoretical view to address all the identified shortcomings and gaps in the literature. In this regard, the theoretical views of Hayek and Perelman will be presented in detail.

Chapter 3 will explain the methodology of the empirical research undertaken for this study. The chapter will first present the formulated research questions. It will then inform on the adopted research philosophies; details of data collection and analysis strategies; and the research ethics protocol followed throughout the empirical research project.
Chapter 4 is the first empirical analysis chapter. It will focus on the role of social relationships that can impact the eristic nature of interactions between managers and their subordinates when they argue about the fairness of career advancement decisions. To this end, the chapter will question whether the analysed interactions between managers and subordinates are tainted by dogmatic and hostile attitudes that impede heuristic interactions. It will also inquire how interacting with third parties can change the acceptance of unfairness claims. In light of the empirical analysis, the chapter will finally discuss the conditions under which employees should resist or acquiesce to managers who are likely to adopt an eristic attitude.

Chapter 5 will first analyse the roles of poor managerial justifications in terms of how they are able to legitimize controversial career advancement decisions despite the inherent weaknesses of the legitimacy arguments. The chapter will then seek to understand the role of managerial silence as another managerial strategy to address subordinates’ unfairness claims. Chapter 5 will use the outputs of the empirical analysis to argue that there can be a motivation trap for employees concerned with the unfairness of their career progression due to incentive ambiguities that come with managerial silence or poor managerial explanations.

Chapter 6 is the final empirical analysis chapter. The chapter will investigate the fragility of dissociation arguments that can grant legitimacy to controversial managerial claims. As an implication of the empirical findings, the chapter will consequently discuss how dissociation arguments can be susceptible to managerial expediencies that attempt to conceal organizational inefficiencies.

Chapter 7 will conclude the thesis by first summarizing its research approach and by restating its original contribution to knowledge, both empirically and theoretically. The chapter will also summarize the answers to the research questions identified in the methodology chapter. The final sections of the chapter will outline the managerial implications of the research findings along with the limitations of this study’s research design. Accordingly, ideas for further research will be stated.
Chapter 2: Literature review and the theoretical approach

This chapter has three goals, as divided into the three main sections that precede the conclusions section. In the first section, it will attempt to identify the gaps in the career literature in terms of studying the fairness of career advancement decisions. The second section will then offer a new theoretical view for studying organizational justice, which is developed to address the identified gaps both in the career advancement and organizational justice literature. In that pursuit, organizational justice literature will be reviewed before presenting Hayek’s and Perelman’s ideas as the theoretical building blocks of this study. Since the developed theoretical view is a rhetorical perspective into studying the fairness of career advancement decisions in organizations, the third section will inform on the distinctness of the rhetorical approach adopted in this study. For this reason, a review of rhetorical theory along with management research on rhetoric will be presented in the third section as a means of positioning this study within the rhetorical and institutional research of organizations. In this respect, this chapter will clarify the neglected role of the rhetorical perspective in studying career advancement disputes and how this study can fill this gap.

The developed theoretical framework will chiefly advocate studying organizational justice as a problem of interactional justice in which eristic modes of legitimations are regarded as a major breach of interactional justice. This theoretical view will then be used in the subsequent empirical analysis chapters for empirically analysing situations where allegedly unfair career advancement appointments are claimed to be legitimimized by decision-making managers. The chapter will conclude with suggesting possible types of eristic modes of legitimations that can be considered as starting points for the ensuing empirical analysis of this study. In this respect, the conclusions section will connect this chapter with the empirical research questions of this study.
2.1 Career advancement and its controversies

As eristic legitimation attempts in relation to controversial career advancement decisions are the chief concern of this study, it is first necessary to study the nature of career advancement decisions in organizations before studying their fairness controversies. To this end, this section will first attempt to elucidate career as a distinct concept as it carries important connotations for fairness disputes. As career advancement decisions usually involve intra-organizational competition between employees, this section will also overview those who are likely to thrive in that competition. To understand the fairness complications of that competition, it is crucial to understand the ideological basis of demands for fair arrangements in career advancement decisions. In this regard, the concept of meritocracy will be explored in this section since it can reveal the ideological sources of fairness demands and how employees can feel entitled to advance in organizations. Meritocracy can be associated with individualistic fairness claims. In contrast, there can be sociological concerns when the issue is studied as a matter of group-based discrimination. However, there are various limitations when the group-based discrimination approach is adopted, which will be elucidated in the final part of this section. Overall, this section will examine the literature concerning career advancement decisions while problematizing the common psychological and sociological research approaches utilized to study the fairness of career advancement decisions.

**Career as a challenged concept**

Traditionally, a career is defined as one’s progressively improved linear set of job experiences identified by job titles and roles (Arnold, 1997). However, for Schein (1996), career is not easily captured by explicit job titles since he argued that it depends on how a person subjectively feels about his or her employment trajectory. The traditional view conceives career as an objectively verifiable variable. In contrast, Schein defined career as a phenomenological subjective experience, which is out of the scope of this study. Therefore, with regard to career advancement, this study is referring to the objectively observable career success that is defined by one’s material and
hierarchical improvement in his or her official position within an organization (Arthur, Khapova and Celeste, 2005). In this respect, this study addresses subjective moral claims on objectively observable career success outcomes as recognized by a traditional understanding of careers.

There are, however, conceptual claims that can obscure the ontological status of traditional careers. Inspired by promotion bottlenecks and mayhem in large corporations, some scholars have announced the death of traditional careers represented by structured, coherent hierarchical progression, and argued for the emergence of ‘boundaryless’ careers characterized by ambiguities, discontinuities, and irregularities that revolve around personal development rather than progression (Arthur, 1994; Adamson and Doherty, 1998; Sullivan, 1999; Arthur, Khapova and Celeste, 2005). According to that new understanding, careers are no longer limited by organizational boundaries, so that employees who can develop themselves are entitled to grasp the most fulfilling career opportunities across organizations (Sullivan and Baruch, 2009). A similar idea is protean careers, in which individuals are conceived as masters of their careers as if they could swiftly adapt to new circumstances and challenges, such as Proteus, the Greek god depicted in Greek mythology, who can change his body and shape in hostile conditions (Hall, 2004). Likewise, many other new career concepts unrealistically magnify employee expectations. For example, Arthur et al. (1995) defined the idea of an intelligent career in which employees are responsible to reach their wisely chosen career goals not only by developing their intellectual capital but also by being ‘intelligent’ in exploiting their social capital, i.e., their social networks. Mainiero and Sullivan (2005) further extended these skilfulness expectations into non-work aspects of career lives with the idea of the kaleidoscope career where people are conceived as wise and capable of considering their work vs. life balance when they are pursuing their career goals.

As a result of these new career concepts, human resources literature created an impression that employees were fully capable of managing their own careers, which in a way shifted the career management responsibility burden from employers to the employees (Arthur, 1999; Lips-Wiersma and Hall, 2007; Inkson et al., 2012).
conceptual novelties precipitated the portrayal of a new prototypical career-conscientious employee who is keen to work for dynamic employers that are ready to offer enticing opportunities to be seized by mindful and talented employees (Arthur et al., 1995; Inkson et al., 2012). Indeed, these new concepts have been so powerful that the concept of career management has been partly eroded both in the literature and in organizational practices, as the role of management in shaping careers of their personnel has often been referred to as talent management (Collings and Mellahi, 2009; Inkson et al., 2012).

Nonetheless, the new career concepts are unlikely to reflect what is occurring in the majority of organizations, since recent employment statistics and further empirical evidence did not support their prevalence (Rodrigues and Guest, 2010; Inkson et al., 2012; Vinkenburg and Weber, 2012). Baruch (2006) and Inkson et al. (2012) acknowledged the presence of some partial changes towards boundaryless careers, but still not as a prevalent occurrence. King (2003) also made a strong case that employees are still subscribed to conventional career mechanisms and advancement processes. Recently, Koch et al. (2017) traced the career trajectories of Fortune 100 CEOs by a sequence analysis method and confirmed the dominance of traditional organizational careers. Overall, it is clear that there remains a career ladder to climb in the traditional sense and there remains a desire to pursue career advancement within a single organization (Rodrigues and Guest, 2010; Inkson et al., 2012; Clarke, 2013).

It is, nonetheless, not possible to deny certain changes in employment practices. The new socio-economic dynamics, rise of information technologies, and globalized competition have undeniably precipitated a different inter-organizational mobility for careers (Baruch, 2006). It is also likely that changes in the employment dynamics within different industries can visibly indicate an emergence of a new type of tacit deal on reciprocal obligations, a so-called psychological contract (Morrison and Robinson, 1997; Cullinane and Dundon, 2006), between employers and employees in which mutual expectations are in flux. However, the new career concepts and theories, which inordinately pronounced the versatility and transferability of employees, are not sufficiently precise to capture those unsteady circumstances comprehensively (Clarke,
Moreover, as Baruch and Vardi (2016) suggested, these new career conceptualizations often conceal the controversial career management issues such as favouritism (Khatri and Tsang, 2003) and organizational power politics (Vigoda, 2000).

While organizations are still usually the powerful party to make employment decisions, and employees remain confined with observable and sometimes insurmountable ‘boundaries’, it is not convincing to assume that career development and employability are mostly the employees’ responsibility or capability. Moreover, the concepts of boundaryless or similar careers are not value-free terms, since they can open new rhetorical possibilities for legitimation of controversial promotion decisions taken by line managers or HR departments. In this sense, there is a moral weight in the ontological power of the socially constructed nature of knowledge, as espoused theories can influence behaviours regardless of their realistic validity (Gergen, 1973; Ghoshal, 2005).

Regardless of their precise level of empirical validity, the existence of new career concepts indicates a certain degree of entropy in the institutionalized structure of employment relations. Therefore, although such conceptualizations can be taken as benign partial diagnoses, they hint at a chaotic institutional order for career management practices, which in turn makes them more susceptible to misconduct or contentious irregularities. In this respect, the ambiguities around career management practices support the importance of interactional justice and the role of rhetoric as a powerful element to be studied when career advancement decisions are investigated. Having scrutinized the concept of career, the next subsection will elucidate the competitive nature of career advancement.

**The contest for promotion**

The research has identified notable personal and contextual variables that are conducive to successful career advancements (Seibert, Kraimer and Liden, 2001; Arthur, Khapova and Celeste, 2005; Laud and Johnson, 2012; Crawshaw and Game,
The impacts of individuals’ education level, sociodemographic standing, years of experience, skills, personality characteristics, and political prowess on career success are widely documented (Baruch and Peiperl, 2000; Ng et al., 2005; Harris and Ogbonna, 2006; Kapoutsis et al., 2012; Kimura, 2015). In this regard, career advancement is a personal achievement of the promoted employee, and it is significantly correlated to job performance outcomes (Carmeli, Shalom and Weisberg, 2007). However, there are wide variety of HR policies and practices that can have varying impacts on the career advancement opportunities available to employees (Baruch and Peiperl, 2000). Moreover, contextual factors (Chattopadhyay and Choudhury, 2017) can have decisive influence on career achievements as some contexts are more conducive to skill development and career advancement than others. For instance, if the learning opportunities are abundant (Chattopadhyay and Choudhury, 2017) or if there is a culture of rapid promotion, the organization can be relatively more productive in terms of advancing the careers of its employees. Furthermore, individuals’ social capital, i.e., individuals’ personal networks, is also an important asset for success (Seibert, Kraimer and Liden, 2001; Pfeffer, 2010). The nature of interpersonal relationships (Crawshaw and Game, 2015) and the tacit psychological contract (Sturges et al., 2005) between employees and their managers can play a key role for the career trajectories involved as well. Likewise, the impact of social likeability of employees on their career success can override the impact of their personal educational attainments and intelligence (Hogan, Chamorro-Premuzic and Kaiser, 2013). Overall, political and networking skills along with successful applications of impression management strategies tend to be critical factors for career advancement (Pfeffer, 2010).

Career management decisions in a single organization are highly related to other human resources systems, such as performance appraisals and training systems, as well as to the overall structure of the organization that yields promotion opportunities (Baruch, 2003). While job performance evaluations are usually the most obvious criterion for career advancement decisions, they are also the most contested area (Op de Beeck, Wynen and Hondeghem, 2016). It is known that individuals tend to perceive that career advancement appointments based on non-performance criteria are unfair (Beehr et al., 2004). Therefore, the subjective nature of performance measurement systems can
easily culminate in controversial evaluations that can be highly entangled with the political tactics employed in the workplace (Jackall, 2010; Rosen et al., 2017).

Career advancement is, in many respects, a political contest among employees (Pfeffer, 2010). To be promoted within an organization, by definition one has to be appointed by a managerial agent that has to be persuaded to endorse a promotion. Therefore, HR and line managers are not merely enablers of career advancement, they are also gatekeepers (Brewster, Brookes and Gollan, 2015; Op de Beeck, Wynen and Hondeghem, 2016), who are both users and receivers of political influence tactics. In addition to the relationships between managers and their subordinates, peer behaviours also matter. In this respect, Harris and Ogbonna (2006) demonstrated that employees can resort to covert political tactics that can undermine the careers of others in organizations, since employees and managers may not hesitate to use their political power at the expense of others in the organization. In general, employees who are not politically dexterous are likely to struggle with their promotions in highly politicized environments, which are fairly common (Todd et al., 2009).

There is an extant literature on the typology of political influence tactics that can shape the managerial decisions taken in organizations, including promotion decisions (Higgins, Judge and Ferris, 2003; Kapoutsis et al., 2012). In their recent meta-analysis, Lee et al. (2017, p. 211) identified 11 influence tactics, which are “rational persuasion, exchange, inspirational appeal, legitimating, apprising, pressure, collaboration, ingratiation, consultation, personal appeals, and coalition”. Of those 11 tactics, legitimating is the notable influence tactic for the scope of this study.

As an influence tactic, Lee et al. (2017, p. 215) defined legitimating as “seeking to establish the appropriateness of a request or to verify the authority to make a request”. Their definition is very similar to the definition of legitimation that I have developed in the previous chapter based on Suchman’s (1995) definition of legitimacy. Similarly, Lee et al. (2017) stated that managers as well as their subordinates in organizations can appeal to organizational human resources management policies to justify and therefore
legitimize their decisions in a controversial way. However, Lee et al. emphasized the conclusions of other studies (Falbe and Yukl, 1992; Furst and Cable, 2008) demonstrating that legitimization can be ineffective in terms of eliciting assent for the managerial decisions, as it can even spark resistance, let alone generate acceptance. Therefore, this line of research usually attends to the effectiveness of legitimation in terms of whether legitimization as an influence tactic can alter the perceptions of an individual who is exposed to legitimation. In other words, they are concerned with the power of legitimation in terms of persuading the concerned employee. In this sense, their interests are largely focused on the psychological impacts on employees, rather than the broader organizational connotations of legitimation. Therefore, they neglect the organizational and managerial consequences of legitimations beyond persuading the concerned employee. Whereas, in this study, I recognize by default that rhetorical legitimation of subjectively unfair career appointments inherently involves a failed attempt to persuade the concerned employee. Indeed, a successful legitimation attempt in terms of persuading the concerned employee would mean that there is no longer a personal fairness accusation to investigate. In this respect, I am focusing on the cases where the concerned employee is not persuaded by managerial legitimation attempts but is still subjected to it by its broader consequences.

Including the psychological research investigating legitimation as a specific political influence tactic, there is extant literature on how organizational members use all types of political tactics to elicit career advantages (Thacker and Wayne, 1995; Vigoda, 2000; Higgins, Judge and Ferris, 2003; Ferris et al., 2007; Laud and Johnson, 2012; Liu et al., 2014; Lee et al., 2017). However, there is a shortage of research concerning how subordinates’ careers are disadvantaged by superiors’ political and controversial tactics (García-Izquierdo, Moscoso and Ramos-Villagrasa, 2012; Vough and Caza, 2017). While there are studies demonstrating the importance of the fairness of promotion decisions, as they impact job satisfaction (García-Izquierdo, Moscoso and Ramos-Villagrasa, 2012; Gelens et al., 2014) and employee commitment (Crawshaw, Van Dick and Brodbeck, 2012; Webster and Beehr, 2013), research seems to neglect questioning interactional justice aspects of the issue. Overall, the nature of denied promotions is still not well explored in the literature, either theoretically or empirically. That may stem from ethical and, in some cases, legal challenges that researchers may have to face if
they attempt to empirically explore interpersonal confidential communications between managers and their subordinates.

An example can show the contrast between this study and one of the limited number of studies that are directly focused on denied promotions. The most pertinent example is Webster and Beehr (2013), who conducted a survey involving 305 MBA students. Their study concluded that individuals with high positive self-image are more inclined to attribute their denied promotion cases to non-performance criteria than the people with low self-image. Their conclusion can be exaggerated to argue that denied promotion cases can be delusions of people who have large egos. From their perspective, unfairness perceptions are portrayed as a personality problem, not as an interaction problem between managers and their employees. By contrast, this study takes the issue as a matter of interactional justice as a part of distributive justice arrangements in organizations. In this respect, this study involves a linguistic inquiry on the fairness of career advancement appointments by transcending the psychological approaches reviewed in this section.

However, similar to psychological research, this study focuses on individuals and micro behaviour. From the individualist point of view, the disputes concerning promotion decisions are conceived as problems for individuals, rather than as problems of social groups. The individuals’ fairness claims are associated with the ideology of meritocracy that will be discussed next.

**Meritocracy as an ideological basis of fairness demands**

The ideological basis of fairness demands in career advancement appointments is the idea of meritocracy, which is an ideology that endorses justifiable hierarchical arrangements and inequalities within any social order, including organizations. In the Western world and the majority of the Westernized global world, meritocracy has practically replaced other legitimizing ideologies that are used to explain inequalities by inheritance or religious rules such as aristocracy or divinity (Mcnamee and Miller,
The widespread belief in a just world (Lerner, 1980, 1997; McCoy and Major, 2007) and the common social impetus for justifying the ongoing social system (Jost, Banaji and Nosek, 2004; van der Toorn et al., 2015) help to explain why individuals are predisposed to accept such ideologies in the past and currently. However, some critical organizational scholars (Parker, 2002; Jones, 2003; Jones, Parker and ten Bos, 2005) questioned the validity of meritocratic ideals and qualified them as misleading or spurious under the current global macro-economic system. Their critique draws on sound empirical observations documenting many non-meritocratic arrangements. Nonetheless, it is still not convincing to portray meritocracy as an ideology simply constituted by the false consciousness or naivety of individuals in the face of some counter evidence indicating non-meritocratic outcomes. This is because meritocracy is valuable as a shared ideal, although not as a shared reality.

Meritocracy is indeed a functional moral and socio-psychological basis for claiming unfairness as “every cultural order can be maintained only by an ideology” (Hayek, 1976, p. 54). Meritocracy, independent of its empirical validity, is an ideological expectation that reflects a social and economic preference for meritocratic distribution. Similarly, when Adams (1963) pioneered justice studies with his equity theory, he documented an unwavering tendency on the part of employees to sustain a balance between their contributions and their earnings. Therefore, individuals are indeed rationally subscribed to meritocracy, not because of its empirical prevalence. However, the possibility of demanding meritocracy from other people requires social acceptance of the idea. Without a societal belief in the existence of meritocracy, it would be difficult to elicit social support for unfairness cases. Therefore, while its empirical prevalence can certainly be questionable, its value as a belief in its existence is equally undeniable. For instance, a thought experiment could reveal its utility. If we all agreed that meritocracy was largely non-existent, then any unfairness claim logically would carry the risk of being socially ridiculed; fairness claims would lose their basis as they would mean asking for something that was supposed to be a rarity. Descriptive statements and normative prescriptions have different weights to support moral arguments. Asking ‘I want you to be meritocratic (such as to be fair in promotion decisions) even though there is no meritocracy around’ is in practical terms a more demanding argument than asking ‘I want you to be meritocratic as it is often available
to others’. Thus, in this regard, reacting negatively to belief in the existence of meritocracy can paradoxically undermine individuals’ attempts to claim unfairness. Therefore, a belief in a just world and a similar belief in meritocracy cannot simply be dismissed by empirical falsifications indicating their lack of prevalence.

However, while the belief in meritocracy can be a steady stance on the part of employees to support their cases, the definition of merit is precarious. What signifies merit is indeed a social construction that is likely to vary between distinct institutional settings that are influenced by different institutional logics (Thornton and Ocasio, 1999; Jackall, 2010; Lammers, 2011). Meritocracy seems to be a virtuous ideal with its vision to endorse inequalities only if they are justifiable by the merits of individuals. However, the problem is that it is also ironically vulnerable to be employed as a rhetorical element to build unfair domination as opposed to what the ideals of meritocracy purport to serve. In other words, it could be possible to legitimize contentious actions under the guise of meritocratic principles by exploiting the vagueness of the term. Meritocracy, unlike aristocracy or other forms of rigid stratification ideologies, is highly malleable to indefinite interpretations, which is positive in terms of saving us from rigidity in the social hierarchy, but it is equally susceptible to leading us to new forms of social immobility. As Sen (2000, p. 6) argues, “the idea meritocracy may have many virtues, but clarity is not one of them”. Furthermore, again in an ironic way, the coining of meritocracy as a term started with an unconventional interpretation of meritocracy.

When Michael Young (1958) famously coined the term meritocracy in 1950s, his use of the term was sarcastic and mostly pejorative and therefore quite opposite to today’s connotations of the term. Young presented his version of a perfect meritocracy as a part of dystopia where all success is solely due to personal intelligence and achievement, depicting a tragedy for the less intelligent or less educated. By contrast, meritocracy is now currently embraced as a legitimate system of non-egalitarian social stratification, a deserved triumph of meritorious over unmeritorious. In that respect, currently people are normally more interested in the possible tragedy of meritorious individuals, rather than those that are unmeritorious.
Educational credentials as a major element of human capital have been traditionally accepted as a measure of merit in the age of corporate bureaucracy (Jackson, 2007; Bills, Di Stasio and Gërxbani, 2017). However, with the unprecedented increase in the number of university graduates in recent decades, the distinguishing function of a university diploma in the job markets has been heavily eroded, except for diplomas from prestigious institutions or departments with exclusive admissions (Alvesson, 2013).

In light of the decreasing role of educational credentials in occupational attainments, the accumulation of political skills in the social arena becomes increasingly important for individuals’ success over attaining distinguishable educational capital (Pfeffer and Fong, 2002; Pfeffer, 2010; Hogan, Chamorro-Premuzic and Kaiser, 2013). Political skills involve the ability to influence and persuade others; elicit social support to one’s own case through alliances; and earn the trust of powerful parties who can determine outcomes (Ferris et al., 2007; Ferris, Davidson and Perrewé, 2010; Kimura, 2015). The fairness of career advancement decisions by managers can be more disputable than ever when the criteria of merit are indistinct and when the success is deeply imbued with the social and political actions in organizations.

It can also be notoriously a challenging effort to build a meritocratic workplace and ensure that managers act responsibly. Castilla and Benard (2010) conducted three experiments with senior managers and concluded that managers paradoxically become less meritocratic when they implement corporate programmes promoting a meritocratic workplace. Their stated reason is that the moral credentials generated with those programmes allow a mistaken confidence on the part of managers. Thus, managers may feel more entitled to act on their prejudices and feel less concerned for their accountability due to their moral credentials. However, Castilla and Benard did not consider the possibility that managers can also simply hide behind the organizational policies in a hypocritical way. Furthermore, discrimination literature recently announced the existence of implicit biases that can have personally unnoticeable impacts (Perry, Murphy and Dovidio, 2015). Those biases are referred to as unconscious prejudices against members of certain groups, be they women, black
people, or minorities. Implicit biases have long been recognized by social psychologists in the form of stereotypes and prejudices (Augoustinos and Every, 2007; Perloff, 2010; Tyler and Van der Toorn, 2013). When managers are unaware of their biases, a programme that attempts to indoctrinate meritocratic values is less likely to be successful. In this respect, it may even precipitate a misleading overconfidence, as reported by Castilla and Benard. On the other hand, any value indoctrination programme that attempts to unearth implicit biases of managers can also be unsuccessful if there is no incentive to behave justly, other than the managers’ own conscientiousness. In other words, without appropriate incentives or disincentives, the quality of decisions might largely depend on the mercy of the managers even after a successfully delivered value indoctrination programme (Wagner-Tsukamoto, 2003).

Meritocracy can be largely associated with individualist concerns. By contrast, it is possible to study contentious managerial decisions as a matter of group-based discrimination from a sociological point of view. The next section will review the discrimination approach to distinguish it from the perspective of this study.

The downsides of focusing on group-based discriminations

The discursive nature of subjectively unfair career appointment decisions is usually investigated as an implicit element of studies that investigate discrimination, diversity, and equity in organizations (Tatli, 2011). In that sense, there are good examples of research scrutinizing discrimination on the basis of employees’ sexual orientations (Drydakis, 2015), gender (Knights and Richards, 2003; Ozbilgin and Healy, 2004; Ozbilgin and Woodward, 2004; Sliwa and Johansson, 2014), disabilities (Villanueva-Flores, Valle and Bornay-Barrachina, 2017), minority status (Sliwa and Johansson, 2014), or race (Augoustinos and Every, 2007). However, this line of research usually concentrates on macro-level collective sociological discourses and how they impact discrimination and equality, rather than an analysis built on micro-level language used to understand conflicts concerning the equity of the distribution of organizational rewards. An exceptional study of micro-level language use was performed by Zanoni and Janssens (2003). They conducted 25 interviews of HR managers in Belgium and
documented the existence of a variety of rhetorical schemes of diversity that are entangled in power relations. Another exceptional example is Dick (2013), who scrutinized her interviews with two policewomen to investigate accounts of sexism. She concludes that sexism claims are highly susceptible to competing reality claims and interpretations, which testify to the importance of a politically imbued rhetoric influence. Those two distinct research projects indicate the potential insights that can be gained by rhetorical analysis of career management controversies.

A possible limitation of the discrimination and diversity research (Essers and Benschop, 2009; Ozbilgin et al., 2011; Dy, Marlow and Martin, 2017) is that it may fall short of capturing the ‘diversity’ of discrimination. In that line of research, the discrimination issue is often reduced to a single category, be it gender, race, and so on, or some combination referred to as an intersection. However, there can be a significant variety among each social category or even among each intersection. For example, not all ‘white heterosexual men’ are privileged and immune from victimization or not all gay women are in a vulnerable position. Certain intersections of vulnerable social categories can be admittedly very challenging positions for employees wanting to pursue their career goals. Therefore, they deserve attention from scholars. However, it is also important to study more subtle discriminations among the dominant social groups. Furthermore, focusing merely on discrimination of specific social groups can hinder scrutiny of the cases where the perpetrators are among the usual victims. In this respect, the usual categorizations of victims as a social group can be incomprehensive. Nevertheless, there is a risk in reducing unfairness to certain categories of identities as unfairness may occur to anyone from any social group. The discrimination literature is impactful with its findings as it addresses a very important social problem that should be addressed. Nonetheless, it is alternatively a fruitful approach to study ‘how are discontents occurring in organizations and how they are negotiated?’ as a more comprehensive management problem, rather than concentrating on the issue as a social identity problem. In this sense, this study advocates a practice-oriented rhetorical approach to study unfairness in career advancement decisions from a different perspective.
It is always a challenging goal to study the fairness of career appointment decisions. Even from a discrimination point of view, there are usual complexities to diagnose whether a contentious managerial career appointment decision is a typical discrimination case. For Beeson (2009), based on his expertise as a consultant, managers are often reticent when they deny promotions of their subordinates. Hence, he argued that the managerial rhetoric is often ambiguous, which leaves concerned employees with a mystery to resolve. Beeson stated that employees are often not provided with clear feedback, and thus they struggle to understand the real reasons behind the managerial decisions that upset them. On the other hand, not all researchers view denial of promotions as a completely negative phenomenon. For instance, Vough and Caza (2017) indicated that there can be positive aspects in the denied promotion stories because they indicated how contentious managerial actions can precipitate eventual personal growth for employees after their initial resentments. In all respects, we have a very limited body of research to understand denied promotions, as the available research is not thoroughly illuminating beyond conceiving the issue as group-based discrimination. In that regard, the rhetorical analysis approach advocated in this study is promising to address that gap. The next section will identify that approach while criticizing the usual conceptualization of organizational justice.

2.2 The primacy of interactional justice in organizations

This study’s focus on eristic legitimations stems from its unique conceptualization of organizational justice that will be expounded in this section. While this study largely endorses the individualist perspective of organizational justice scholars, it raises objections to their fundamental trilogy of organizational justice that involves categorizing perceptions of justice as distributive, procedural and interactional in their current conceptualizations. Organizational justice literature will be reviewed in the first subsection to explain the problems associated with this trilogy.

will be explained as they are the theoretical building blocks of this study. By drawing on these theories, this section will explain why procedural justice, as it is currently understood, is a mirage for organizations and how interactional justice, based on a more advanced conceptualization, should have primacy in organizations. It will also be argued that interactional justice should be treated as a constituent of distributive justice in organizations. To this end, the final part of this section will introduce the important role of managerial legitimation attempts that are developed in response to unfairness concerns. It will then elaborate on how managerial legitimations are prone to eristic communication tactics when currently formulated procedural and interactional justice approaches are exploited to manage fairness concerns hypocritically in organizations.

Merits and shortcomings of the organizational justice literature

It has been accepted that employees heed justice because they have self-interested instrumental and relational concerns along with principled moral preferences or so-called deontic urges for justice (Cropanzano et al., 2003, 2017). Employees can also use their perceptions of justice as a proxy measure to assess whether they should trust their superiors (Lind, 2001; Colquitt and Zipay, 2015). Likewise, positive justice assessments can increase employees’ willingness to cooperate (Melkonian, Monin and Noorderhaven, 2011; Van Dijke et al., 2015). On the other hand, research highlights that perceptions of justice and their consequences can change with experience and time (Fortin et al., 2016). However, the relationship between perceptions of justice and employee motivation and performance has been firmly established (Fortin, 2008; Colquitt et al., 2013).

Conlon et al. (2005) grouped the impacts of perceived unfairness on organizational outcomes into three categories: a possible decline in task performance and employee compliance; withdrawal behaviours among organizational members; and finally, counterproductive work behaviours. Workplace stress has also been documented to be closely related to organizational fairness in terms of perceptions of unfairness serving as both a source of stress and as a mediator in determining how individuals cope with stressful workplace conditions (Vermunt and Steensma, 2001). The organizational
justice literature is overall replete with documentation of the detrimental effects of perceptions of unfairness on performance outcomes (Colquitt et al., 2013). Therefore, perceptions of fairness cannot be ignored or considered lightly by managers, and employees unavoidably desire fairness for their own welfare.

The research of organizational justice has largely been based on a well-known trilogy of concepts used to categorize perceptions of justice. Accordingly, the form studied most widely is distributive or so-called outcome justice, which is referred to as the fairness of returns granted to employees relative to their contributions (Adams, 1963). The second form is procedural justice, which is referred to as perceptions of the fairness of procedures leading to decision making (Thibaut and Walker, 1978; Leventhal, 1980; Cohen-Charash and Spector, 2001). Finally, the third form is interactional justice, which involves how fairly an employee is treated in terms of the manner of personal behaviours experienced (interpersonal fairness) and the quality of the information exchange (informational fairness) involved in interactions with their superiors (Colquitt, 2001; Bies, 2005). Interactional justice could be considered as a component of procedural justice. Nevertheless, interactional justice has been recognized as a distinct form of justice than procedural justice. Interactional perceptions of justice capture employees’ reactions to their personal contacts with their supervisors or managers, whereas procedural perceptions of justice capture employees’ reactions to organizational policies and procedures as enacted by upper management teams. In this way, interactional justice can be measured and classified separately in a statistically meaningful manner, albeit with some correlations (Cropanzano, Prehar and Chen, 2002; Bies, 2005).

When procedural justice studies were first theorized for legal disputes by Thibaut and Walker (1975, 1978), the focus was on how disputants respond when procedures allow them to voice their concerns with control over the resolution process (Rupp et al., 2017). Later, Leventhal (1980) identified six criteria that can be specifically used by individuals in assessing the fairness of procedures. As summarized elegantly by Cohen-Charash and Spector (2001, p. 280), Leventhal’s criteria include the following:“(a) the consistency rule, stating that allocation procedures should be consistent across persons
and over time; (b) the bias-suppression rule, stating that personal self-interests of
decision-makers should be prevented from operating during the allocation process; (c)
the accuracy rule, referring to the goodness of the information used in the allocation
process; (d) the correctability rule, dealing with the existence of opportunities to change
an unfair decision; (e) the representativeness rule, stating that the needs, values, and
outlooks of all the parties affected by the allocation process should be represented in the
process; and (f) the ethicality rule, according to which the allocation process must be
compatible with fundamental moral and ethical values of the perceiver”. These two
frameworks were then applied to organizational contexts, as employees are expected to
appreciate opportunities to voice their views and to observe democratic principles in the
execution of procedures (Folger and Greenberg, 1985). Additional procedural criteria
such as evidence-based performance appraisals and the job-relatedness of employee
selections have also been studied as contextualized rules rather than overarching
theoretical principles (Bobocel and Gosse, 2015; Rupp et al., 2017).

Of the two categories of interactional justice, studying informational justice, chiefly
concerns how explanations, in the form of justifications or excuses, can alleviate
concerns of unfairness (Colquitt et al., 2001; Bies, 2005). Justifications are conceived as
explanations used to legitimize decisions, whereas excuses are conceived as
explanations used to deny “full responsibility by citing some external cause or
mitigating circumstance” (Shaw, Wild and Colquitt, 2003, p. 445). In this regard,
employees’ perceptions have been studied in terms of whether they find provided
explanations to be reasonable, thorough, timely and truthful (Shapiro, Buttnor and
Barry, 1994; Colquitt, 2001; Rupp et al., 2017). By contrast, interpersonal justice, the
second form of interaction justice, focuses on the civility of the treatment received (Bies
and Moag, 1986). According to this perspective, important concerns include the
politeness and respectfulness of the treatment (Colquitt, 2001).

The differences between these three forms of perceptions of justice can be best
understood by observing how they are typically measured. For this purpose, the survey
questions and often cited justice scale developed by Colquitt (2001, p. 389) are
presented in Tables 1 and 2, respectively.
<table>
<thead>
<tr>
<th><strong>Procedural justice (whether the procedures are designed to...)</strong></th>
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<tbody>
<tr>
<td>o ...collect accurate information necessary for making decisions.</td>
</tr>
<tr>
<td>o ...provide opportunities to appeal or challenge the decision.</td>
</tr>
<tr>
<td>o ...have all sides affected by the decision represented.</td>
</tr>
<tr>
<td>o ...generate standards so that decisions could be made with consistency.</td>
</tr>
<tr>
<td>o ...hear the concerns of all those affected by the decision.</td>
</tr>
<tr>
<td>o ...provide useful feedback regarding the decision and its implementation.</td>
</tr>
<tr>
<td>o ...allow for requests for clarification or additional information about the decision.</td>
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<table>
<thead>
<tr>
<th><strong>Interactional justice</strong></th>
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<tbody>
<tr>
<td>o Your supervisor considered your viewpoint.</td>
</tr>
<tr>
<td>o Your supervisor was able to suppress personal biases.</td>
</tr>
<tr>
<td>o Your supervisor provided you with timely feedback about the decision and its implications.</td>
</tr>
<tr>
<td>o Your supervisor treated you with kindness and consideration.</td>
</tr>
<tr>
<td>o Your supervisor showed concern for your rights as an employee.</td>
</tr>
<tr>
<td>o Your supervisor took steps to address you in a truthful manner.</td>
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<thead>
<tr>
<th><strong>Distributive justice</strong></th>
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<tbody>
<tr>
<td>o Fairly rewarded considering the responsibilities.</td>
</tr>
<tr>
<td>o Fairly rewarded in view of the amount of experience you have.</td>
</tr>
<tr>
<td>o Fairly rewarded for the amount of effort you put forth.</td>
</tr>
<tr>
<td>o Fairly rewarded for the work you have done well.</td>
</tr>
<tr>
<td>o Fairly rewarded for the stresses and strains of your job.</td>
</tr>
</tbody>
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### TABLE 2
Questions to Measure Justice Perceptions (Colquitt, 2001, p. 389)

<table>
<thead>
<tr>
<th>Procedural justice</th>
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<tbody>
<tr>
<td>The following items refer to the procedures used to arrive at your (outcome). To what extent:</td>
<td></td>
</tr>
<tr>
<td>1. Have you been able to express your views and feelings during those procedures?</td>
<td></td>
</tr>
<tr>
<td>2. Have you had influence over the (outcome) arrived at by those procedures?</td>
<td></td>
</tr>
<tr>
<td>3. Have those procedures been applied consistently?</td>
<td></td>
</tr>
<tr>
<td>4. Have those procedures been free of bias?</td>
<td></td>
</tr>
<tr>
<td>5. Have those procedures been based on accurate information?</td>
<td></td>
</tr>
<tr>
<td>6. Have you been able to appeal the (outcome) arrived at by those procedures?</td>
<td></td>
</tr>
<tr>
<td>7. Have those procedures upheld ethical and moral standards?</td>
<td></td>
</tr>
<tr>
<td><em>Cited sources: Thibaut and Walker (1975) for items 1-2, Leventhal (1980) for items 3-7.</em></td>
<td></td>
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<table>
<thead>
<tr>
<th>Distributive justice</th>
<th></th>
</tr>
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<tbody>
<tr>
<td>The following items refer to your (outcome). To what extent:</td>
<td></td>
</tr>
<tr>
<td>1. Does your (outcome) reflect the effort you have put into your work? Is your (outcome) appropriate for the work you have completed? Does your (outcome) reflect what you have contributed to the organization?</td>
<td></td>
</tr>
<tr>
<td>2. Is your (outcome) justified, given your performance?</td>
<td></td>
</tr>
<tr>
<td><em>Cited source: Leventhal (1976).</em></td>
<td></td>
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<tr>
<th>Interpersonal justice</th>
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<tbody>
<tr>
<td>The following items refer to (the authority figure who enacted the procedure). To what extent:</td>
<td></td>
</tr>
<tr>
<td>1. Has (he/she) treated you in a polite manner?</td>
<td></td>
</tr>
<tr>
<td>2. Has (he/she) treated you with dignity?</td>
<td></td>
</tr>
<tr>
<td>3. Has (he/she) treated you with respect?</td>
<td></td>
</tr>
<tr>
<td>4. Has (he/she) refrained from improper remarks or comments?</td>
<td></td>
</tr>
<tr>
<td><em>Cited source: Bies and Moag (1986).</em></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Informational justice</th>
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</thead>
<tbody>
<tr>
<td>The following items refer to (the authority figure who enacted the procedure). To what extent:</td>
<td></td>
</tr>
<tr>
<td>1. Has (he/she) been candid in (his/her) communications with you?</td>
<td></td>
</tr>
<tr>
<td>2. Has (he/she) explained the procedures thoroughly?</td>
<td></td>
</tr>
<tr>
<td>3. Were (his/her) explanations regarding the procedures reasonable?</td>
<td></td>
</tr>
<tr>
<td>4. Has (he/she) communicated details in a timely manner?</td>
<td></td>
</tr>
<tr>
<td>5. Has (he/she) seemed to tailor (his/her) communications to individuals’ specific needs?</td>
<td></td>
</tr>
<tr>
<td><em>Cited sources: Bies and Moag (1986) for items 1-2, Shapiro (1994) for items 3-5.</em></td>
<td></td>
</tr>
</tbody>
</table>
For each category of the trilogy, the justice literature offers guidelines for managers to avoid the unwanted consequences of unfairness reactions (Cropanzano et al., 2007; Cuguero-Escofet et al., 2014; Colquitt and Zipay, 2015). One of the most striking lessons for managers is to signal their fairness successfully and to avoid offending their subordinates. In this regard, research helps managers carefully enact their procedures (Colquitt et al., 2001; Maccoun, 2005; Crawshaw, Van Dick and Brodbeck, 2012; Bobocel and Gosse, 2015) and guides them in their interactions with employees (Cohen-Charash and Spector, 2001; Colquitt, 2001; Ambrose et al., 2002; Bies, 2005). Accordingly, research has largely focused on ways to manage subordinates who experience a sense of unfairness (Rupp et al., 2017), as this feeling is justifiably conceived as a problem for employee performance. For this reason, the majority of fairness research has heavily focused on how perceptions of fairness can be controlled or how unwanted consequences can be alleviated (Colquitt et al., 2013; Cugueró-Escofet and Fortin, 2014). Thus, the issue has generally been studied from managers’ isolated views on the perceptions of fairness held by their subordinates.

This imbalanced empirical and conceptual emphasis on aggrieved employees’ perceptions may lead researchers to neglect the corresponding actions of peers and managers who are accountable for the perceptions of unfairness. In this regard, justice in organizations carries the risk of being studied, not as a management problem, but as managers’ problems in engaging with their employees. Perceptions of justice are indubitably important as a managerial problem, as such perceptions have real consequences for employee performance. However, an isolated focus on employee perceptions without regard for the nature of managerial reactions to such perceptions can be a deficient approach to research fairness in organizations. Moreover, such an approach may cause researchers to turn a blind eye to deceptive managerial attempts that insincerely target employees’ senses of unfairness (Fortin and Fellenz, 2008). This one-sided approach tends to neglect the use of cynical impression management tactics in managing complaints of unfairness rather than promoting conscientious managerial actions attempting to sincerely pursue fairer workplaces (Cugueró-Escofet and Fortin, 2014).
In a similar manner, researchers in this field have begun to question the dominance of one-sided views of research (Greenberg, 1988, 2009; Lefkowitz, 2009; Cuguero-Escofet, Fortin and Canela, 2014). Fortin and Fellenz (2008) particularly problematized the status quo by arguing that managers are becoming increasingly more adept at exploiting cynical tools to encourage perceptions of fairness rather than sincerely attempting to encourage fairness improvements. Fortin and Fellenz defined such impression management tactics as hypocritical approaches to fairness. In this respect, Fortin and Fellenz reflected on the possibility that organizational researchers may be unwittingly promoting deceptive tactics to practitioners and thereby contributing to the deterioration of fairness in organizations. Greenberg (1988, 2009) similarly argued that managers’ primary motives in addressing justice issues are often related to brand-building activities that use ostensible behaviours and hypocritical statements to strengthen their influence over their employees. As Greenberg (2009) noted, managers are not usually known for their fairness; instead, widespread negligence regarding fairness issues has frequently been a characteristic of managerial practices.

If there are some negative side effects of justice research, they are likely to stem from the improper division of justice perceptions into three forms. Organizational scholars have remarkably demonstrated that when procedures are ostensibly applied fairly (procedural justice), when employees are informed kindly and thoroughly, and when their views are taken into consideration (interactional justice), they tend to submit to managerial decisions such that negative outcomes of allegedly unfair decisions can be avoided (Dailey and Kirk, 1992; Cohen-Charash and Spector, 2001; Colquitt et al., 2013; Bobocel and Gosse, 2015; Collins and Mossholder, 2017). It is precisely such critical connections that can give rise to hypocritical managerial applications. Particularly, procedural perceptions of justice can be used hypocritically as a means of legitimizing normally unjustifiable distributive outcomes. Interestingly, some studies (Skitka and Houston, 2001; Skitka, 2002; Skitka and Mullen, 2002) indicate that procedural perceptions of justice can be ineffective at eliminating resentments over unfairness among employees when the distribution outcomes strongly violate the prevailing moral principles of individuals. The findings of such studies can indicate that employees can become suspicious of hypocrisies realized through ostensible procedural justice.
The fairness of procedures and outcomes and the nature of surrounding interactions are indeed interdependent (Colquitt et al., 2013). However, researchers tend to treat each form of fairness in an analytically detached manner and to focus on one form of fairness in their studies (Törnblom and Kazemi, 2015). Moreover, due to the moral intricacies embedded in distributive justice, researchers often focus on procedural and interactional justice (Lefkowitz, 2009). This categorization of perceptions has brought about the notion that perceptions of justice can be controlled separately. However, in practice, it is difficult to imagine a just procedure or interaction without a just outcome. When procedural perceptions of justice can be an antecedent of the distributive perceptions of justice (Leventhal, 1980), any inconsistencies between them may denote the presence of hypocrisy. In this sense, divide-and-control strategies may at times work to create a hypocritical semblance of justice in the workplace.

Procedural justice, from its current scope of covered definitions and transferred from Anglo-American private law traditions to the realm of organizations, is attractive to employees because it offers the lure of the rule of law. The rule of men and women over other men and women is inherently prone to issues of fairness, as rulers can be culpable of unfairness. By contrast, the rule of law turns administrations of justice into an impersonal procedural mechanism that can alleviate concerns regarding distributive justice by suppressing the role of the agency. However, the rule of law cannot be a valid proposition for organizations, as it has currency only for a spontaneous social order marked by principles of free-market mechanisms and functioning within certain traditions and institutions (Hayek, 1973, 1979).

An organization refers to a social order of a deliberate design marked by personal authority that inevitably involves the engagement of an agency for its outcomes (Hayek, 1973). In this regard, a genuine satisfaction with procedural criteria, as defined by Thibaut and Walker (1975, 1978) and Leventhal (1980), is not only a mirage for an organized order, but ontologically goes against the nature of organizations ruled through authority and managerial discretion. Therefore, targeting positive procedural perceptions of justice with this current formulation can facilitate the impression management strategies of organizations, since such formulations of procedural justice
are incompatible with an organized order. As organizations are steered by personal authority over free individuals who offer their labour as an economic exchange based on available information (Wagner-Tsukamoto, 2003), the compatible form is interactional justice, which should be treated as a constituent of distributive justice rather than as a separate form to alleviate distributive justice reactions. Before elucidating how the concept of interactional justice should be expanded accordingly, I outline Hayek’s rule of law and justice theories in greater detail to demonstrate the infeasibility of the use of procedural justice in organizations based on its current definition.

**Hayek and the mirage of procedural justice in organizations**

Hayek’s (1973, 1976, 1979) liberal social view has four pillars (spontaneous order, the rule of law, individual liberty and limited government) that complement one another (Macedo, 1999). Hayek’s (1973, 1976, 1979) theory relies on an appreciation of abstract procedural norms spontaneously formed through social and cultural evolution within a free-market system that can outperform any rationally designed order. His perspective is similar to the Darwinian concepts of biological evolution, but it is distinct in its much faster rate of change than that of biological evolution and by its emphasis on group selection for survival in explaining the rationale of processes rather than individual selection (Marciano, 2009). Hayek mainly argued that countries that have sustained the rule of law and a free market economy have become more prosperous than others through this process of cultural evolution.

Hayek’s (1973, 1979) concept of the rule of law differs from the rule of legislation, as the latter normally represents the will and design of governments, albeit with the power of democratic representation. For organized orders such as governments, the rule of legislation is an administrative necessity for their internal conduct, but not for regulating the private conduct of citizens (Hayek, 1979). A rule of law is by contrast a broader and largely stable moral framework that can even limit the will of power holders as constitutions aim to do (Hayek, 1973), drawing its power from spontaneously formed traditions, institutions, and the prevailing opinions of people. The rule of law thus cannot be a product of any legislator, as it emerges through socio-cultural evolution.
similar to language’s evolution (Hayek, 1973; Daumann, 2007). However, the government can define rules of just conduct by uncovering the law, but not by inventing such rules (Hayek, 1979). Governments must nevertheless enforce the rule of law while also providing some basic provisions that cannot be supplied by market mechanisms, including securing a minimum income for impoverished citizens when a country is sufficiently wealthy to afford this responsibility (Hayek, 1973). In conducting these operations, governments can legislate positive instructions for their workforces to decree what should be followed to reach established goals. By contrast, governments cannot issue such instructions to other citizens (Hayek, 1976).

For Hayek (1973), social order is spontaneously coordinated through market prices, conventions and language, reflecting socially shared values, whereby governments should respect the related dynamics and ensure the rule of law. Hayek (1976) believed that one should not interrupt this agentless and evolving harmony with government intervention, because no one can produce intended outcomes; the market has its own dynamics that cannot be effectively restrained, and interventions may have disastrous consequences. For him, ingenious market algorithms produce better outcomes than any human design (Bowles, Kirman and Sethi, 2017). Furthermore, Hayek advocated for evolutionary agnosticism by claiming that we cannot predict how markets will evolve, and that, therefore, any deliberate institutional design is doomed to fail to produce any intended results (Vanberg, 2014). Therefore, he highlighted the importance of sustaining individual liberties and the rule of law to allow social evolution to run its course, as he argued that it is destined to take its best form when unrestrained. According to Hayek (1979), laws exist to ensure the health of this spontaneous order, but not to restrict individual freedom for other reasons. In this respect, rules of just conduct cannot be used to arrange economic distribution; therefore, rules are solely a part of procedural justice (Lister, 2013).

Hayek (1976) asserted that when the rule of law governs, outcomes are certainly just and that whoever believes otherwise has an ideological agenda to pursue special interests, which threatens individual liberty. For Hayek, when individuals are in consensus to act freely as framed by laws and contracts, there is no reason to seek
further consensus on consequences (Servant, 2017). In this regard, Hayek believed that one should succumb to the sovereignty of markets, because this agentless order protected by procedural justice is the best existing system, although it breaks the link between merits and rewards. As a result, Hayek argued that social distributive justice is an absurd concept, a dangerous superstition, and a form of semantic fraud in a market economy, as individuals do not govern markets, and there is no one to blame. Individuals can be just or unjust, but an agentless market and social order cannot be either. Hayek also argued that merits, skills and efforts do not warrant success because serendipity can inevitably surpass everything.

However, the justice implications are significantly different for a non-market, artificially developed and directed social order called an organization (Hayek, 1973). “Classical Greek was mere fortunate in possessing distinct single words for the two kinds of order, namely, taxis for a made order, such as, for example, an order of battle, and cosmos for a grown order, …” (Hayek, 1973, p. 37). Thus, an organization, from its artificial inception to its ensuing direction, is inevitably an order of authority, which should carry different justice connotations in comparison to spontaneously developed market orders.

If Hayek’s views are applied to contemporary human resources (HR) management practices and justice research, there are striking consequences. In organizations, there are those who can be held accountable for others’ perceptions of unfairness. Therefore, Hayek (1976) considered the possibility of outcome injustice manifesting only in organizations, as visible agents can be identified as potential perpetrators. While social justice in the form of distributive and outcome justice can be viewed as a mirage in free market economies with certain institutional structures, procedural justice becomes a mirage in organizations as agents dominate organizational decisions rather than a spontaneous order protected by spontaneously formed rules of just conduct. The procedures of organizations are not a product of an evolving spontaneous order, as they represent the will and rational designs of executives (except for legally enforced rules, as organizations also form part of the larger social order). Moreover, unlike the laws
defined by Hayek’s (1960, 1973) theory, organizational procedures are not prohibitive negative norms, as they can apply positive instructive norms.

In addition, in contrast to a democratic societal order, there is no separation of power in organizations. In the spontaneous social order of a great society, “The chief principles gradually established to prevent all arbitrary exercise of power were the separation of powers, the rule or sovereignty of law, government under the law, the distinction between private and public law, and the rules of judicial procedure” (Hayek, 1979, pp. 99–100). By contrast, in organizations, sometimes the same individuals or units of an organization can be legislators as well as executors and judges of their procedural systems. This situation only changes when employees sue their organizations for misconduct, which denotes the occurrence of legal disputes rather than the presence of an ordinary organizational issue. As governmental employment regulations typically impose limits via basic obligatory requirements and protective measures (Blanpain et al., 2007), the domain of managerial discretion and the role of organizational procedures remain very large in organizations.

In Hayekian terms, procedures applied in organizations are legislations that are rationally invented instructions of an authoritative body that is itself restricted by the rule of law. By contrast, rules of just conduct of the law are culturally evolved moral rules that are based on negative norms to mark the domain of free action that should even govern the actions of the government. Hence, one cannot invent Hayekian law-like moral rules for organizations, as such rules are a product of the evolution of the broader society. Instead, individuals can transfer these socially evolved moral rules into their organizations to form their justice expectations. For instance, employees can invoke justifications borrowed from different institutions of social life, such as markets, family, or religion, to formulate their arguments for justice (Friedland and Alford, 1991; Boltanski and Thevenot, 2006).

However, procedures are not useless in the pursuit of justice. Procedures can empower aggrieved employees in their pursuit of justice (Kersley et al., 2006) as much
as procedures can empower managers in their attempts to legitimize their controversial decisions. Indeed, any institutional arrangement, including procedures, would constrain and enable the actions of all actors (Harmon, Green and Goodnight, 2015; Hoefer and Green, 2016). In this regard, organizational procedures are simply elements of an ethical climate that guide employees on acceptable behaviour (Wang and Hsieh, 2013). In all respects, procedures represent more an element of the legitimacy of an outcome and of their authoritative power than an element of justice. This is not surprising in an organization, because rules in organizations are “determined chiefly by considerations of efficiency or expediency rather than of justice” (Hayek, 1979, p. 48).

Except for legally enforced procedures, procedures are simply instructions given by upper management teams and written promises that are open to different interpretations and forms of execution. Therefore, they represent just one of the elements of organizational interactions. Their flexibility is not necessarily conducive to unfairness. Applying rules in a pharisaic manner, i.e., adhering to the literal meanings of rules, can also result in the denial of justice (Perelman, 1963, 1980). Rather, formalities in bureaucracies and rules designed based on technical rationality are inherently not capable of answering moral questions on their own (Weber, 1991; Camic, Gorski and Trubek, 2005; Brubaker, 2006; Jackall, 2010; Hodson et al., 2013; Breslin and Wood, 2016). For instance, the effectiveness of grievance procedures is often contentious (Mccabe and Rabil, 2002; Walker and Hamilton, 2011; Currie et al., 2016). Policies and procedures may make a promise of fairness in critical human resources decisions (Brown, Bemmels and Barclay, 2010), but they can also be used hypocritically to develop morally problematic dominance under the guise of the rule of law, which cannot exist in an organizational order. Within the organizational domain, agency is undeniable; therefore, what should matter is how actions and decisions are legitimized during interactions as a part of economic exchange relationships. Before presenting a theory of interactional justice, I will first discuss the concept of legitimation in the following section.
Legitimation as an element of interactional justice

Legitimacy and fairness (or justice) are different concepts, although they are closely correlated. “Legitimacy is a generalized perception or assumption that actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs and definitions” (Suchman, 1995, p. 574). Perceptions of fairness draw on a sense of deserved treatment, while perceptions of legitimacy are based on the social acceptability of certain treatment. At the level of individual perception, there is a distinct overlap between legitimacy and procedural perceptions of fairness (Johnson et al., 2006; Tyler, 2006; Tost, 2011). However, as Tost (2011) notes, fairness represents just one dimension of personal legitimacy judgement. Tost shows that in addition to moral dimensions, such as fairness, individuals have instrumental and relational concerns when they form judgements of legitimacy.

Fairness and legitimacy respond to different needs of parties participating in a power relationship. Fairness is normally a demand from the weaker party, whereas legitimacy is a necessity for the powerful party. The weak need justice to prevent mistreatment from the powerful, while the powerful need legitimacy to avoid resistance and sanctioning against using their power. A claim of injustice is inherently a cry for help and compassion from others who can address the powerful. By contrast, a claim of legitimacy signals the acceptability of the deployment of power and it notifies others that any internal resistance or outside intervention is not justifiable. Likewise, according to the relational model of authority (Tyler and Lind, 1992), managers demand perceptions of positive legitimacy as a form of relational exchange from their subordinates when they believe that their subordinates’ expectations of procedural justice are satisfied.

The powerful, according to the definition of power, do not require mercy from others to enact their will, as this would signal a position of powerlessness. However, the powerful should remain concerned with being legitimate. First, even the weakest party can resist and inflict costly damage, while not being able to defeat the powerful. Second, the powerful may not remain as powerful after losing legitimacy. The survival
of the powerful can be threatened when institutional support is eroded once legitimacy is lost (Meyer and Rowan, 1977). Thus, legitimacy should be the main concern of the powerful, while fairness and justice should be the main concern of the weak for survival. In a typical hierarchical organization, managers have such power over their subordinates. It is through such a framework that managers as the powerful party are likely to be more interested in enhancing their legitimacy rather than focusing on fairness or justice.

In terms of social psychology, the importance of legitimacy lies in the observation that individuals are generally willing to submit to legitimized rules, directions, practices, and decisions without external enforcement (Tyler, 2006; 2011). Social psychologists likewise highlight the important role of social ideologies in establishing legitimacy expectations (Sidanius et al., 2004; Sidanius and Pratto, 2011). In this regard, socially shared views of legitimacy, i.e., some culturally preordained criteria for what should and should not be perceived as legitimate, have important functions in preventing the emergence of personal frictions and in coordinating peoples’ behaviours in any social order, including organizations. That perspective acknowledges legitimation as a more effective and civilized tool of the powerful, in contrast to close monitoring or coercion, for the purposes of securing consent to domination.

Although legitimacy perceptions can be conceived individually, such as perceptions of fairness, legitimation extends beyond an individual’s perception, as it plays a performative social role in the sense that it involves determining what should be accepted as socially appropriate in practice. In this regard, legitimation can override assessments of personal legitimacy, as legitimation is a process that can activate institutional support for a legitimized action or decision (Bitektine and Haack, 2015; Suddaby, Bitektine and Haack, 2017). Legitimation involves a rhetorical process that has been extensively studied by neo-institutional scholars (Suddaby and Greenwood, 2005; Green and Li, 2011; Harmon, Green and Goodnight, 2015; Hoefer and Green, 2016).
Legitimacy is a crucial concept of neo-institutional theory at the sociological level. The theory replaces rational explanations of agency behaviours with an identification of institutional forces that impose cultural constraints on an agency (Lawrence, Suddaby and Leca, 2011). Institutions can be defined as social orders that apply largely constant cultural rules, practices, and structures that can influence the behaviours of individuals and organizations operating under their domain (Scott, 2001). It is a useful abstraction to understand how a collective order works. For neo-institutional theory, institutions follow culturally formed rationalized myths that determine how to act rationally within a specific institutional domain (Greenwood et al., 2013). Rationalized myths are thus institutional prescriptions of legitimate behaviour within an institutional realm of influence that can override rational motives concerned with efficiency.

Pioneered by Meyer and Rowan (1977), the sociological institutional approach has shown that norms of legitimacy carried by rationalized myths influence behaviours because there are critical benefits to complying with such institutional expectations. When individuals and organizations gain legitimacy, they can increase their chances of surviving by attracting additional resources from their external environments (Erkama and Vaara, 2010). Hence, being legitimate involves acting in compliance with institutional expectations, which is rewarded by increased external support for the survival of the entity that acts legitimately. This precept is true for employment relations as well. For example, when a corporation behaves radically disobediently in the midst of institutional conventions by not employing HR procedures, for instance, it may struggle to recruit or retain employees and may compromise its survival.

Sociological institutional theory posits that institutions employ positive norms by prescribing what to do rather than merely limiting the individual sphere of action. Therefore, for this theory, social pressure leads to isomorphism or similarities in institutional arrangements within a particular institution (DiMaggio and Powell, 1983). For example, a certain number of years of experience is often considered a ubiquitous prerequisite for promotion in many organizations, which is rationally disputable. To explain such ubiquitous taken-for-granted practices, Dimaggio and Powell (1983) identified three institutional processes that lead to isomorphism: coercive, mimetic and
normative processes. The obligatory power of some institutions, such as governments and international regulatory bodies, can enact coercive processes. Mimetic processes apply to cases in which organizations are keen to imitate leading successful organizations in their fields. Normative processes are related to the adoption of norms promoted by educational establishments or professional associations. In this regard, the legitimation of a specific practice is almost synonymous with rendering it an institutionally established practice of culturally taken-for-granted status (Lawrence, Winn and Jennings, 2001).

Nonetheless, the adoption of externally imposed practices through processes of institutionalization is argued to be symbolic and ceremonial rather than substantial (Suddaby, Seidl and Le, 2013). Actual practices are argued to be decoupled from symbolic and ceremonial structures, meaning that each organization has similar structures that signal compliance but that, in practice, they can impose distinct methods of practice to support their unique sets of circumstances (Scott, 2001). Thus, as organizations ceremoniously adopt formal structures in line with institutional expectations in gaining external legitimacy, they respond to their functional needs by decoupling their practices from institutional expectations.

In moving towards the institutional logics approach as a different sociological and institutional outlook, it is possible to explain more complex variations of an institutional order. The logics approach departs from neo-institutional theory by shifting the focus from structurally imposed conformity pressures to institutional variations and the role of agency in constructing what is legitimate. According to this view, individuals and organizations are conceived as operating within a society in which different institutions are intertwined (Thornton and Ocasio, 1999). Each institution is characterized by a specific way of thinking that is based on a distinct set of assumptions and values, referred to as institutional logics (Thornton, Ocasio and Lounsbury, 2012). For instance, Friedland and Alford (1991) reported on peculiar logics of markets, government bureaucracy, family, religion and democracy. The logics ingrained in these institutions are conceived to constrain individuals’ thoughts, communications and perceptions. However, as any social setting can host a set of conflicting institutional logics (Seo and
Creed, 2002), individuals and organizations are enabled through these contradictions between each institutional logic to shape their social settings accordingly (Thornton, Ocasio and Lounsbury, 2012; Thornton and Ocasio, 2013). In this sense, multiple institutional logics can be invoked to claim legitimacy through distinct combinations (Green, Babb and Alpaslan, 2008; Cloutier and Langley, 2013; Harmon, Green and Goodnight, 2015; Hoefer and Green, 2016). Such conflicting logics can also be exploited by organizational actors in various ways to pursue political interests and to assert authority over others (Boxenbaum and Battilana, 2005; Misangyi and Weaver, 2008). Such political behaviours render rhetoric an important element of an institutional order, as political actions can be rhetorically legitimized by playing strategically with institutional logics (Green, 2004; Suddaby and Greenwood, 2005; Harmon, Green and Goodnight, 2015; Hoefer and Green, 2016; Berry, 2017).

In this sense, legitimation can be conceived as a rhetorical assertion of what should be defined as acceptable by evoking socially imposed criteria embedded in institutional logics. Arguments of legitimization can work to eradicate or suppress a personal dispute on fairness based on the institutional support that comes with being legitimate. However, the legitimization of an action does not have to lead to an institutionalization of legitimized behaviour. By contrast, the concepts of institutional work (Reay, Golden-Biddle and Germann, 2006; Lawrence, Suddaby and Leca, 2011; Lawrence, Leca and Zilber, 2013) and institutional entrepreneurship (Battilana, 2006; Garud, Hardy and Maguire, 2007; Battilana, Leca and Boxenbaum, 2009; Micelotta, Lounsbury and Greenwood, 2017; Higgins, Stubbs and Milne, 2018) equate legitimation with the processes of institutional change. However, legitimation may simply have an impact at the micro level as a daily economic exchange between individuals rather than having a sociological impact. This is also true when individuals want to resolve their disputes on fairness and negotiate the legitimacy of their actions. Through such a transaction, argumentation can play a key interactional role, requiring a distinct theory of interactional justice, which will be discussed next.
As this chapter has noted that current formulations of procedural justice (Thibaut and Walker, 1975; Leventhal, 1980) are only applicable to a societal order governed by the rule of law, as defined by Hayek (1973, 1979), it will now offer a more appropriate theoretical framework for an organized order. It will thus turn to Perelman’s (1963, 1980) legal argumentation theory, which emphasizes the role of rhetoric in a legal system in which rules are established via rational design.

In a societal order governed by the rule of law, rules are negative norms merely composed of abstract principles for unknown ends (Hayek, 1973). As these rules of just conduct are a product of cultural evolution, individuals are expected to internalize these rules culturally through a process akin to learning a language without explicitly knowing its grammatical structure (Hayek, 1979). Therefore, the interpretation and execution of such rules in particular circumstances are much less likely to arouse disagreements than rationally designed positive rules. By contrast, rationally designed positive rules in the form of instructions, which are deliberately drawn from abstract principles of justice to be applied for particular reasons, can provoke heated arguments on how to interpret and apply such rules in particular situations.

To demonstrate the complexities of rationally designed rules, Perelman formulated and tested a rational and universal rule of justice in its most abstract form: “like beings must be treated alike” (Perelman, 1963, p. 70). His formal abstract rule of justice dictates identical treatment for essentially identical beings. However, at a concrete level, disagreement on what should be treated as essentially similar and what should be considered identical treatment is inevitable. For example, it is possible to categorize individuals differently based on their merits, needs, work, societal rank, origins or any combination of these. The question then lies in which criterion should be used to compare individuals and how such a criterion should be applied. We can consider certain aspects of a being as ‘essential’ to our assessment, while excluding other aspects as irrelevant. We can also consider two different treatments as identical depending on our scaling of a given treatment and our subjective points of view. Thus, Perelman
concluded that which criteria should be prioritized cannot be determine rationally or deductively from a rule, as our reference points are value-bounded. Nevertheless, Perelman (1980) argued that it would be a slippery slope to have a nominalist conviction to claim that justice is devoid of meaning as if power could reign without reason.

Perelman demonstrated that a reasoning process is applied when decisions on justice are made, which is explained in great length in Perelman and Olbrechts-Tyteca (1969). This rhetorical process involves receiving the approval of an intended audience through argumentation. This process is a necessity when formal and mathematical reasoning does not generate compelling conclusions, as formal reasoning can only occur when rules are clearly unambiguous and open to perfectly rational deduction. For instance, self-evident apodictic claims and experimental demonstrations do not require argumentation. By contrast, argumentation can only generate rationally imperfect but reasonable conclusions through practical reasoning. Arguments can be strong or weak, but cannot be logically perfect. In this respect, the pursuit of justice requires the use of practical reasoning and the exchange of argumentation to adjudicate conflicting interpretations with reasonable justifications.

Perelman and Olbrechts-Tyteca (1969) described their theory of argumentation to elucidate how such practical reasoning operates. Dialectics and rhetoric are subsumed under their argumentation theory as ‘The New Rhetoric’, which involves categorization based on the audience of the arguments. For them, an argument can be either addressed to a particular audience or to all rational beings imagined, which they refer to as the universal audience. In all cases, an audience is a construction of the speaker who tailors his or her arguments accordingly. Overall, they define argumentation as a rhetorical process characterized by the imperfect and non-conclusive use of rationality to elicit an audience’s adherence to an argument.

Perelman and Olbrechts-Tyteca (1969) identified two categories of argumentative schemes: association and disassociation schemes. Such schemes are utilized by
interlocutors to provide justifications for their arguments. Of the two argumentative schemes, association involves building connections between premises and conclusions, and it can be executed in three ways.

The first association scheme involves developing quasi-logical arguments that only partly follow the logical sequence of a syllogism. These arguments benefit from ostensible rational and mathematical connections of formal logic. Quasi-logical arguments can be developed in several ways. For instance, two rules can be set in opposition to one another as if they were logically incompatible. Alternatively, a choice can be presented as a compromise to another choice. Typically, one premise of an argument can be logically flawed, as it may simply reflect a value affirmation selected to solicit adherence. As an important facet of justice disputes, quasi-logical arguments can be used to defend decisions that are ostensibly against the rules. For instance, via quasi-logical links, ostensible rule incompatibilities can be resolved by alluding to shared presumptions on the spirit of the rules (fiction), by creating excuses (falsehood), or by remaining silent so that the requirements for justification are denied.

The second association scheme involves using arguments that are based on reality, such as claiming empirical causation or correlation. This form of argumentation employs associations from observations. Two types of arguments can be based on the structure of reality, referred as a depiction of reality as observed by the speaker. The first type of argument, based on the structure of observed reality, involves depiction of sequential relations between observed people, actions or events. For instance, a former action of an individual can be presented as the cause of a later incident. Likewise, a past trend in data can be presented as proof of future prediction. On the other hand, the second type of this category involves using coexisting relations rather than temporal sequences. For example, a person’s character can be defined from some of his or her actions or the same actions can be treated as non-representative exceptions. Alternatively, one can correlate the value of an argument with the speaker’s prestige.
The third mode of association involves composing arguments that establish a reality through inductive reasoning. This can be executed using two techniques. The first technique involves establishing a structure of reality by providing examples, illustrations, and models. The second technique involves establishing a structure of reality based on analogical reasoning. Here, the speaker can identify analogies or metaphors (as condensed analogies) to identify parallel meanings between an observed phenomenon and a non-observed phenomenon transferred from a different realm.

In contrast with association arguments, dissociation arguments function by severing the conceptual link between an appearance and a concept, which indirectly associates the appearance with another concept. This basically reconciles an appearance with a proposed version of reality by distancing an undesirable concept from the appearance. Dissociations function at the conceptual level to deny the categorization of an appearance rather than denying an appearance. This limits the sphere of a concept’s application by introducing conceptual distinctions and criteria that devalue certain aspects of an appearance accordingly. Dissociation thus affords an observation with a new meaning that differs from what is alleged. In Perelman’s words, dissociation involves “separating elements which language or a recognized tradition have previously tied together” (Perelman, 1982, p. 49). In this sense, while complaining employees can draw on traditionally or institutionally accepted meanings to make sense of what should be accepted as fair or unfair, managers can establish new criteria for placing an event in another category. Thus, managers can in turn neither reject an observation nor refute institutionally established rules, but they can continue to maintain consistency in their rejection of unfairness. This is similar to the actions of a judge who can “justify his course of action by delimiting the sphere of application of each rule through interpretations that restore coherence to the juridical system” (Perelman and Olbrechts-Tyteca, 1969, p. 453). In this way, dissociation changes how an event should be specifically viewed even when it may appear as something different, such as unfair to the other party.

By association or dissociation, argumentation attempts to achieve an agreement on specific premises of a proposed thesis through imperfect reasoning (Perelman and
Initially agreed upon premises can be based on real factors, namely, facts, truths, and presumptions. Fact is based on objectively verifiable sense data, whereas truth involves a verifiable connection between facts, such as theories and laws of nature (Foss, Foss and Trapp, 2014). Presumptions are established expectations of how an incident is expected to proceed under normal conditions (Perelman, 1982). All of these elements are supposed to be agreed upon by a universal audience. However, they may lose their privileged status during argumentation. Therefore, what is meant by classifying them as real is not absolute, but tentative. They are supposed to be accepted as real on rational grounds. In this respect, such reality assertions are open to tests of empirical verification and argumentation.

Another option is to start with premises that are peculiarly agreed upon by the targeted audience. Such premises are referred to as the preferences of a particular audience. There are three types of preferences: values, value hierarchies and preferable loci. Of these three, preferable loci, which are similar to institutional logics of loci (a Latin word denoting a location or place), apply logical principles to the values and value hierarchies of a particular audience. Examples of preferable loci include loci of quantity, loci of quality, loci of order and loci of essence. Loci of quantity prioritize what is common over what is rare or what is more durable over what is fragile. Loci of quality prioritize what is unique over what is ubiquitous, what is elite over what is common, or what is outstanding over what is typical. Loci of order favour what is closer over what is distant, what has been achieved over what is yet to be achieved, and what has occurred over what is to follow. Loci of essence favour representative characteristics of individuals or things over their variable features.

Table 3 presents the building blocks available in the argumentation theory of new rhetoric that can enable rhetorical analysis of clashing unfairness and legitimation claims. Table 3 also presents some examples for each category of argumentation scheme.
### TABLE 3

Building Blocks of the Analytical Framework of New Rhetoric

<table>
<thead>
<tr>
<th>Types of initial premises</th>
<th>Real factors</th>
<th>Value preferences</th>
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<tbody>
<tr>
<td></td>
<td>• Facts: Sense data</td>
<td>• Value choices: Preferences to act in specific ways</td>
</tr>
<tr>
<td></td>
<td>• Truths: Objectively recognized connections between facts</td>
<td>• Value hierarchies: Ranking of endorsed values</td>
</tr>
<tr>
<td></td>
<td>• Presumptions: Commonly recognized assumptions.</td>
<td>• Loci of value preferences: Lines of reasoning that justify value choices and value hierarchies</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Types of argumentation schemes</th>
<th>Associations</th>
<th>Dissociations</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>• Quasi-logical arguments: Arguing by indicating apparent rational connections</td>
<td>• Detaching a concept from the interpretation of an observed reality</td>
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  *E.g.* Arguing that promotion of more experienced or qualified subordinates is a logical necessity. |  
  
  *E.g.:* Arguing that an employee’s recent bad performance is an exceptional circumstance which does not represent his or her level of achievement. |
|                                | • Arguments based on the observed structure of reality: Deriving arguments from reality appearances |  
  
  *E.g.:* Arguing that a manager is responsible for the declined performance of his or her department. |
|                                |  
  
  *E.g.:* Arguing that the desired managers should be like Bill Gates (analogy) or arguing that they should be extroverts who are good at politics (model), or giving examples and illustrations to argue why such a manager is required. |  

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*61*
The resolution of disagreements and eristic arguments

Disagreements on an argument can occur on three levels. Listeners may disagree on (1) the factual status of the premise of the arguments; (2) the applicability of certain premises, such as unsuitable values and value hierarchies, that might be invoked; and (3) the presentation of premises. Any disagreement and ensuing conflicts are therefore attributable to rhetorical failures of persuasion or to a failure of forging communication between the speaker and the listener. At times, disagreement can be inevitable despite the participants’ best intentions. This is why a decision-making authority whose interpretation reigns must be involved unless the rules are indubitably precise and clear.

When profound disagreement on what is just or unjust occurs, only an authority can resolve the issue rather than the rules themselves, as it is typically not possible to draw conclusions directly from rules through deductive reasoning (Perelman, 1963, 1980). As reasoning alone can sometimes be insufficient in arbitrating disputes on value judgements, the authority of a person and of his or her authoritative cultural prescriptions can be indispensable. The plurality of individual moral norms in a market economy is not conducive to the development of harmonious moral relationships in organizations based on uniform rules (Wagner-Tsukamoto, 2005, 2008). Thus, the problem is not rooted in the power of authority per se, as it is indeed useful to end moral controversies. Instead, the problem relates to the potentially improper use of authority. In this respect, it is crucial to determine whether a matter is judged competently and reasoned thoroughly to end controversy authoritatively (corresponding to ‘res judicata’ as a legal maxim in Latin) or whether it is hypocritically enforced with misleading appearances of justice talks. As a result, one must determine whether a simple failure of developing communication between interlocutors has occurred or whether dialogues were pretentious.

A failure to achieve communication can result from two factors. First, there can be profound disagreements in the endorsed values of the two interlocutors. In such cases, the use of authority to adjudicate such disagreement is necessary. Second, the interlocutors can be simply ineffective at presenting their cases. For Perelman and
Olbrechts-Tyteca (1969), an effective speaker should know where he or she should draw attention, which they refer to as the ‘presence’ of an argument. Presence is related to how an argument is communicated, such as which terms are used and how a basic message is framed to attract attention from a particular audience (Perelman and Olbrechts-Tyteca, 1969). As communication is conducted through the use of symbols rather than signs, the selection of symbols changes the perceptions of an audience (Foss, Foss and Trapp, 2014). Speakers should thus carefully consider how their framing and overall style may be improved to facilitate communication with an audience. However, when dialogue has pretense, maligned possibilities should be considered, and the good will of the audience should be questioned.

“Analogically, all communication demands good will from the listening interpreter” (Perelman, 1980, p. 156). A dialogue can be performed to control a situation, while it may hypocritically appear to be executed for resolution (Brunsson, 2002). In this regard, Perelman and Olbrechts-Tyteca (1969) distinguish between heuristic dialogues (problem solving discussions) and eristic dialogues (polemic debates). Heuristic dialogues are conducted on rational grounds with an attentive audience seeking a reasonable resolution, whereas eristic dialogues are conducted to win an argument without any respect for the reasonableness of counterarguments. Eristic arguments operate to force acceptance rather than persuasion and involve sophistry through the use of false dichotomies, plays on word definitions and distorted logic (Perelman, 1963; Poulakos, 1995; Walton, 1999). Controversial managerial decisions can similarly be legitimized by a misleading appearance of procedural justice, which can work to control perceptions of unfairness via eristic moves rather than resolving them. For instance, organizations can give voice to their employees in promoting procedural justice via the use of open door policies (McCabe and Rabil, 2002); however, in practice, this may be a pretense. In this regard, it is futile to seek agreement as an outcome of eristic dialogue (Walton, 1992; Tindale, 2015).

On the other hand, positioning dialogues as heuristic rather than eristic is a matter of degree rather than a pure distinction. All conversations can have both characteristics to a degree, as completely heuristic and eristic dialogues are two unrealistic extremes of
practical argumentation (Perelman and Olbrechts-Tyteca, 1969; Percival, 2012). Thus, it is not impossible to persuade an audience who tends to pursue an eristic attitude. However, eristic vs. heuristic is a useful categorization for understanding interlocutors’ predominant motivations and aspirations while engaging in dialogues.

In eristic dialogues, interlocutors can be dogmatic, self-assertive or fanatical in their views (Walton, 1999). This can be true for both managers and for their complaining subordinates. However, as managers are typically authorized to have decision-making power, they can protect themselves from their subordinates’ eristic talks by declining their subordinates’ requests. For instance, managers can have the authority to decide on whether a demand for fairness is related to unreasonable greed or whether gross victimhood is involved. In other words, managers can wield power over legitimation. Of course, when the accused manager is later judged by another authority through a grievance investigation, then the power of legitimation will shift to the judging authority. By contrast, an employee concerned with unfairness is from the start dependent on the good will of the manager (or another decision-making authority involved as a third party) to resolve the concerns of unfairness.

Studies of interactional justice have successfully informed us that employees can feel offended not just when they face disgruntling outcomes but also when they face incivility or poor communication (Bies, 2005; Collins and Mossholder, 2017). However, such studies often focus on which explanations or approaches assuage perceptions of unfairness when procedures are enacted (Shaw et al., 2003; Bobocel and Zdaniuk, 2005) rather than exploring the broader performative role of such explanations in levels of justice in organizations. For instance, such studies do not usually consider the fact that explanations can be used hypocritically to achieve legitimacy. Moreover, concepts of interactional justice are not removed from procedural justice when kindly delivered, detailed or candid explanations are auxiliary to the execution of procedures and not as a constituent of distributive justice. By contrast, Perelman’s (1963, 1980) theory is more comprehensive in the sense that it positions communication as a constituent of distributive justice rather than as a palliative cure.
Conceptions of procedural justice given by Thibaut and Walker (1975, 1978) and Leventhal (1980) also contrast with Perelman’s (1963, 1980) justice theory. Thibaut and Walker emphasized the importance of a disputant voice as an input. However, the reasoning process of the received input is more important for Perelman than the voice itself. Another contrasting point relates to the fact that Leventhal’s procedural justice model largely depends on the presence of consistency and accuracy in decision-making. By contrast, Perelman posited that accuracy is not a feasible goal due to scant opportunities for deductive reasoning; likewise, consistency can be sacrificed when there are convincing justifications. Furthermore, Perelman’s theory replaces Leventhal’s ethicality principle (allocations should appeal to perceivers’ ethical norms) with a principle stating that outcomes are dependent on the justified decisions of authorities. However, when a managerial authority is attempting to win an argument in an eristic manner by hypocritically forming justifications merely to appear institutionally acceptable, this results in a breach of interactional justice, as it reflects dishonesty in an information exchange. In this respect, the role of an implied, but invisible, audience should be identified.

**Institutional Gaze**

To discuss eristic dialogues and the possibility of winning an argument, a judge must determine the winner as is the case in legal settings (Perelman and Olbrechts-Tyteca, 1969; Perelman, 1982). In an unfairness dialogue between a manager and a subordinate, the accused manager is also the judging authority. However, both the manager and the subordinate employee are compelled to present institutionally acceptable reasons for their claims because they assume the presence of an institutional gaze. When no institutional gaze as a presumed judge witnessing their actions is present, managers may simply assume unquestioned authority over their decisions and reject addressing any challenges to their decisions. The civility of managers can also be linked to managerial concerns for employee motivation. However, this concern itself can also be attributable to the institutional expectations of managers.
The institutional gaze is an implied audience that can be defined as imagined individuals who may hold the speaker responsible for his or her arguments. Any audience is a construct in the mind of a speaker (Perelman and Olbrechts-Tyteca, 1969). Thus, interlocutors enter a dialogue with certain presumptions for all of the audiences they face. Similarly, the institutional gaze is an imagined construct, but not for an actual audience. It is a product of the speakers’ views of potentially influential members of the institutional order, be it an imagined judge in an employment tribunal or a potential peer or superior who may condemn the speaker. The speakers’ view of the institutional gaze is likely to be restrained by preferable values of the institutional order, which are influenced by the prevailing institutional logics.

The imagined capacities of the institutional gaze may nonetheless affect the quality of arguments required to win a dispute. “It is indeed the audience which has the major role in determining the quality of argument and the behaviour of orators” (Perelman and Olbrechts-Tyteca, 1969, p. 35). Thus, it is no surprise that in some cases, even simple excuses and very weak justifications can work to legitimize an allegedly controversial decision when the institutional gaze is imagined to be very crude. In this respect, when speakers tend to attribute excessively low levels of quality to the institutional gaze, this can degrade the quality of the arguments required to attain a win. For example, in corrupt cultures, institutional barriers that come with the presence of an imagined institutional gaze may be so low that they may completely lose their regulatory social function. Worse still, the institutional order may be captivated by corrupting logics (Misangyi and Weaver, 2008), potentially disabling the function of the institutional gaze.

Despite its potentially unreliable precision, the existence of an institutional gaze is likely to be the force responsible for placing institutional pressure on both parties of a dispute. Employees in this sense can pressure their managers through the presence of an institutional gaze. Otherwise, the power of unfairness arguments is highly diminished or even rendered baseless. Through such a process, persuading the implied audience can be an important goal when the aim is to avoid attention from real authorities who may eventually intervene. Thus, managers can be urged to avoid the risk of being held
accountable for their decisions by producing institutionally endorsed legitimations and not just any argument. The problem that this study would like to focus on relates to the fact that managers can secure support for their practices and decisions by merely appearing legitimate to an institutional gaze rather than engaging in heuristic discussions with concerned subordinates. This is exactly what distorted procedural fairness applications can achieve via their deceptive appearance. They can problematically incapacitate individuals who pursue justice. Furthermore, when the dialogue of unfairness complaints is tainted by eristic and hypocritical attitudes, acting on personal perceptions of unfairness can be not only be futile, but it can also be destructive for the employees concerned, leading to antagonistic relationships.

2.3 The distinctness of the rhetorical approach

Studying fairness from the rhetorical perspective that was expounded in the previous sections requires a thorough understanding of rhetorical theory in general. Likewise, the developed rhetorical approach adopted in this study should be positioned within the broader management research of rhetoric to posit its novel aspects. This section attempts to address these concerns. It will first briefly overview rhetorical theory. Then, it will outline the importance of rhetoric for management and how rhetoric is usually studied by management researchers. The final subsection will explicitly demonstrate that this study can be considered as a peculiar expansion of rhetorical institutionalism.

**Rhetorical theory**

Rhetoric is a complex phenomenon that entails symbolic processes of persuasion through argumentation that employs human cognitive processes of linguistic reasoning and understanding (Billig, 1987; Harmon, Green and Goodnight, 2015). As Gill and Whedbee (1997) argued, rhetoric is a political and instrumental tool that involves strategic use of language for certain goals, be it cooperation, making judgements, or changing minds. In all respects, the most commonly distinguishable general characteristic of rhetoric is that it is employed to persuade by argumentation (Perelman,
1982). Persuasion can be defined “as a symbolic process in which communicators try to convince other people to change their attitudes or behaviours regarding an issue through the transmission of a message in an atmosphere of free choice” (Perloff, 2010, p. 11). The ‘free choice’ element of persuasion is important to distinguish rhetoric from other communication types such as compulsion or giving an order. Rhetoric, as a symbolic persuasion process, operates through argumentation, not by compulsion, as rhetoric is characterized by producing a conclusion by drawing on a set of premises that provide reasons or evidence to warrant a specific conclusion (Toulmin, 2003).

Each time we argue, we are inevitably using rhetoric to communicate our thoughts and ideas (Billig, 1987). In this sense, rhetoric can be perceived as omnipresent in most of our communication. Nonetheless, it is useful to have a clear delineation to recognize rhetoric in its most typical form. To this end, Herrick (2012) stated that rhetorical discourse is best characterized by six features: (1) rhetoric is a planned discourse, (2) which is constructed for a specific audience, (3) articulated with a motive, (4) shaped as a response to a situation, (5) employed for persuasion, and (6) when the subjects of talks are principally associated with uncertain or rather blurry conclusions. Rhetoric is planned in the sense that it involves intentional selection of what words will be used (invention), in which order (arrangement), and in which style. Rhetoric entails a consideration of the audience, as the planning is configured to address a specific person or a group of people. It is in relation to these stated six features of rhetoric that it can be possible to investigate whether legitimation occurs in an eristic or heuristic manner, as that would establish the quality of interactional justice.

The complexity of rhetoric is also matched by the complexity of the circumstances in which it is intensively used. In this regard, when the issue at hand is not clear and the outcome is contingent upon other people’s views, the use of rhetoric becomes essential (Keith and Lundberg, 2008). This is exactly why rhetoric is so pertinent for a dispute on fairness judgements. Unfairness disputes can be categorized as rhetorical situations since “rhetoric applies to contingent and probable matters which are subjects of actual or possible disagreement by serious people, and which permit alternative beliefs, values and positions” (Bitzer, 1998, p. 7). Otherwise, when everything is clear by
demonstration or deduction or there is no source of disagreement, the exploitation of rhetoric is unnecessary. In contrast, when the situation is rife with controversies entangled with multiple moral and political views, the use of rhetoric becomes essential within a dispute. As both legitimacy and fairness issues are controversial by their nature, they are unquestionably conducive to rhetorical inquiry. In this regard, the controversial and political nature of career advancement decisions encourages a rhetorical analysis.

On the other hand, rhetoric is more than persuasion of a counter party, since some arguments can be invented to create unconvincing reasons and excuses despite the fact that they are unlikely to be effective in terms of persuading the actual audience. In such cases, the motive can be simply to end a conversation by uttering the last word in a dispute (Billig, 1987) or to persuade an implied audience rather than the actual audience, as in the case when attempting to persuade the institutional gaze to prioritize the pursuit of legitimacy. In this sense, the apparent persuasive strength of an utterance cannot be used to rule out the presence of rhetoric. Additionally, in association with its power of persuasion, the use of rhetoric can be for a variety of strategic motives, such as building coalitions or personal networks, advocating certain interests, or eliciting personal assent (Hamilton, 2001; Herrick, 2012). Legitimation can certainly be one of these motivations as well, and it can even prevail over the motive of persuading the actual audience of the arguments. Likewise, in the case of unfairness disputes, legitimation of allegedly unfair managerial decisions is by default an ineffective attempt in terms of persuading the concerned employee when it does not eradicate the perception of unfairness. Nevertheless, legitimation is still a rhetorical persuasive attempt.

Rhetoric’s political and ethical connotations have been openly addressed since the ancient Greek philosophers (Conrad and Malphurs, 2008). Sophist philosopher Protagoras famously asserted that there are two sides to every argument (Billig, 1987). This is specifically relevant in controversies related to justice and political decisions. Because rhetoric is most applicable to resolving issues of a contingent nature, the question is whether it is a malignant or a benign tool in disputes characterized by
contingency. For this purpose, arguments can be judged by their political and ethical wisdom, such as whether they are used for building a common understanding or for deception (Booth, 2004). In this respect, rhetoric can be exploited to deceive and domineer as represented by eristic talks, or it can be employed to evaluate ideas, advocate interests, enable comprehension, and form common knowledge as represented by heuristic talks (Perelman and Olbrechts-Tyteca, 1969; Herrick, 2012; Tindale, 2015).

Rhetoric is a delicate linguistic tool, and it can impact the distribution of power and justice. Cicero, as one of the eminent politicians and rhetoricians of the Ancient Roman Republic, asserted that politics and justice would be impossible without rhetoric (Connolly, 2007). On the other hand, Plato (1979 [4th-5th century BC]) argued that rhetoric has so much power that it can be used to tyrannize a city as much as it can be used to show the path for the truth. Plato was particularly concerned with the frailty of justice when it is dependent on rhetoric. In Gorgias, Plato (1979 [4th-5th century BC]) asserted that true knowledge (episteme) of justice differs from pure faith (pistis) or popular opinion (doxa). In this regard, Plato perceived rhetoric as a menacing tool utilized to distort true justice views, as he believed in immutable wisdoms that can adjudicate justice conflicts, although he was not able to identify those unchallengeable wisdoms. Nevertheless, he pointed to dialectic as a method to discover them (Gadamer, 1986; Herrick, 2012). Plato’s understanding of dialectic is very positive as he conceived it as a means of testing oppositional claims rationally. For Plato, dialectic is a technique that enables open-ended and undogmatic argumentations, while rhetoric is mostly a tool of propaganda or a means of producing rationally insubstantial arguments. According to his view, dialectic is a dialogic and deliberative search for truth, whereas rhetoric is a linguistic and monologic pursuit to persuade someone to the truthfulness of an assertion (Jacobs, 2000). Like Plato, Aristotle acknowledged that rhetoric is likely to be used to distort justice judgements, although he did not believe in the Platonic form of true and transcendental justice (Molina and Spicer, 2004). Moreover, Aristotle (2012 [4th century BC]) did not find rhetoric to be a menacing tool; rather, he perceived it as a necessity of social life in the vibrant political atmosphere of ancient Greece.
Unlike apodictic arguments (demonstrations of certainty), rhetorical arguments can by their nature be rationally imperfect or quasi-logical (Perelman and Olbrechts-Tyteca, 1969; Van Eemeren et al., 1996). Aristotle (2015 [4th century BC]) explained that apodictic claims (also called demonstrative claims) aim for perfection in the sense that those arguments are constructed for indisputably valid knowledge with precise rational or indisputable empirical foundations. Dialectic is on par with apodictic forms of reasoning in terms of the soundness of rationality it demands, but not in terms of the soundness of rationality it can supply. Dialectical arguments are constructed to rationally establish or falsify the acceptability of judgements and theories, rather than to demonstrate absolute truth, as in the case of apodictic approaches (Van Eemeren et al., 1996). For Aristotle, dialectic is used to assess opposing claims by employing rational and critical inquiry. In contrast to dialectic and apodictic arguments, rhetoric is open to the use of non-rational appeals, since its primary aim is to convince and secure adherence, rather than to achieve or gain rational perfection. In this regard, Aristotle (2012 [4th century BC]) recognized rhetoric as the counterpart of dialectic since rhetoric, unlike dialectic, is not characterized by the pursuit of logical validity.

Aristotle (2012 [4th century BC]) did not scorn rhetoric as he saw some commonalities between dialectic and rhetoric. Both rhetoric and dialectic start with socially uncontested ideas (endoxa). Hence, a common understanding is initially sought in each method to start argumentation. In addition, both employ logos (logical argumentation), albeit to varying degrees, since appealing to reason is present in both methods. Nonetheless, for Aristotle, rhetoric is a form of persuasive speech that can involve other means to persuade than simply an appeal to reason (logos). In this respect, rhetorical speech can involve an appeal to emotions excited by innate human desires (pathos) and the speaker’s moral cogency and trustworthiness (ethos), which are avoided in dialectic (Conrad and Malphurs, 2008). Furthermore, in rhetoric, the initial base of uncontested ideas (endoxa) is accompanied by enthymemes (arguments made based on unexpressed assumptions) as a basis for pseudo-deductive syllogisms. Aristotle asserted that rhetoric can function with ostensible deductions, while some premises are kept implicit by enthymemes. In contrast, dialectic requires explicit reflection on such assumptions. Likewise, inductive syllogisms can be employed in rhetorical arguments to construct plausible generalizations by giving examples, unlike
dialectical arguments that aim for deductive reasoning to provide convincing conclusions (Van Eemeren et al., 1996).

Perelman and Olbrechts-Tyteca’s (1969) argumentation theory of new rhetoric replaced the ancient distinctions between dialectic and rhetoric by integrating them under an argumentation theory called new rhetoric. In their theory, the increased pursuit of logical validity in dialectic is only due to a change in the audience, as neither dialectic nor rhetoric are capable of offering perfectly deductive rationality. In this regard, they identified the ‘universal audience’ as the intended recipient of talks that were historically associated only with dialectics. Likewise, they identified ‘particular audiences’ as the intended recipients of talks that deploy rationally less stringent arguments that were historically categorized as rhetoric. By this classification, dialectic and rhetoric are subsumed under the banner of new rhetoric as a comprehensive argumentation theory. With the assistance of their new classification, Perelman and Olbrechts-Tyteca introduced dialectical argumentation schemes as overarching rhetorical devices for persuasion.

For Perelman and Olbrechts-Tyteca (1969), argumentation overall aims for reasonable and persuasive conclusions that are based on acceptable probabilities, rather than on certainties as in demonstrative (apodictic) arguments. Thus, argumentation operates to convince the audience that the argued claims can be justifiably concluded from the accepted premises, without perfectly establishing the rationality of the argument. In that sense, rhetoric entails practical use of language that involves building informal and imperfectly logical argumentations specifically intended to persuade an audience. As rhetorical arguments are not fully rational, they cannot produce undisputed conclusions. However, just as the speaker has argumentative imperfections, any audience is conceived to operate with an imperfect interpretative rationality as well. Therefore, treating an audience in their own terms of interpretative capacities should be sufficient to persuade them (Perelman and Olbrechts-Tyteca, 1969; Perelman, 1982). Thus, being reasonable to an audience, rather than attaining a formal rational validity, can be sufficient to persuade. Before proceeding to discuss how the theoretical framework based on Perelman and Olbrechts-Tyteca’s argumentation theory can be
considered as an expansion of rhetorical institutionalism, the following subsection will first review rhetorical research within organizational research.

Organizational uses of rhetoric

Organizations are domains replete with rhetorical discourses employed by agents to convince or impress others, as well as to produce socially constructed cultural myths as a substitute for technical knowledge (Alvesson, 1993). As objective rationality is known to be deficient in terms of resolving controversial issues in a specific social order (Brubaker, 2006), agents often have the appropriate conditions to resort to rhetoric in pursuit of their goals. In this respect, ambiguities and contingencies in organizations pave the way for rhetoric. For instance, Boltanski and Thévenot (2006) identified the existence of multiple and often conflicting rationalities in a social order that inhabit distinct logics of justifications. This multiplicity of logics can be exploited by individuals rhetorically to justify and legitimize their actions (Patriotta, Gond and Schultz, 2011).

It is also possible to indicate the pivotal role of rhetoric in managerial activities, as being a manager inevitably requires linguistic skills to manipulate the language appropriately (Astley and Zammuto, 1992). Managing, by definition, inherently involves exercising rhetoric, as managers must communicate persuasively to perform their managerial duties such as motivating, coordinating, and leading their subordinates. Managers’ use of language can have consequences in changing other organizational actors’ perception of reality, i.e., it can influence how employees make sense of their situations (Mauws and Phillips, 1995). It is a matter of ontological and epistemological dispute whether language changes our perceptions of reality or creates reality. However, it is widely documented that language has a clear performative power, which can have a profound impact on organizations, institutions, and the people involved (Phillips, Lawrence and Hardy, 2004; Brown, Ainsworth and Grant, 2012; Phillips and Oswick, 2012).
The interest of management scholars in rhetoric and related linguistic investigations has particularly grown following the rise of social constructionism as a research philosophy (Phillips and Hardy, 2002). Within the social constructionist approach, the scope of rhetorical analysis in management research is broad. In this regard, rhetoric has been widely studied to reveal how it operates to preserve or alter the social order in organizations and institutions; how it impacts identity constructions; and how it enables leadership and execution of managerial strategies (Hartelius and Browning, 2008). For instance, Brown et al. (2012) employed Aristotle’s classical trilogy of rhetorical appeals (logos, pathos, and ethos) to demonstrate how institutional changes and identity constructions are embedded with rhetoric. As a different example, regarding identity constructions, Creed et al. (2002) used framing analysis to reveal identity constructions during debates on workplace discrimination-prevention policies designed to protect lesbian, gay, bisexual, and transgender people. Another example is Erkama and Vaara (2010), who documented how rhetoric is exploited to legitimize and implement major organizational restructuring activities within strategic decision-making processes.

As some notable studies have exemplified (Barley and Kunda, 1992; Suddaby and Greenwood, 2005; Erkama and Vaara, 2010; Harmon, Green and Goodnight, 2015; Berry, 2017), management research recognizes managers’ and other influential actors’ power to capitalize on rhetoric to establish authority over other people or to gain legitimacy through manipulating the understanding of other people. In the majority of such investigations, management researchers usually considered rhetoric to be a tool at the disposal of dominant groups in an organization to establish their rule (Hartelius and Browning, 2008). In that sense, rhetoric is recognized as a managerial tool used to dominate and control (Conrad and Malphurs, 2008). However, it is not reasonable to conclude that rhetoric is a non-existent or otherwise inefficient medium for the powerless, as hinted in some impactful theoretical reviews (Hartelius and Browning, 2008; Sillince and Suddaby, 2008; Hoefer and Green, 2016). On the other hand, it is equally important to recognize that individuals’ formal and informal positions directly affect the distribution of agency power, such as in terms of who can effectively precipitate changes within an organization (Phillips, Lawrence and Hardy, 2004; Battilana, 2006; Brown, Ainsworth and Grant, 2012). Therefore, employees who have less power in the organizational decision-making processes are likely to have a limited
capability to benefit from rhetoric to make an impact. In organizational practices, the rhetoric of the powerful can also silence the rhetoric of the powerless; for instance, lower level employees are often excluded from strategic communication activities (Hardy and Clegg, 1999). One needs to remember that the conditions of a typical hierarchical organizational life are not similar to those depicted in Habermas’ (1987) ideal speech situation, in which simply the power of argument can be the reigning factor. Thus, it is not surprising that power inequalities would also distort opportunities for voice equality. However, rhetoric has a use for all organizational members as the workplace resistance literature exemplifies.

There has been a wave of research on workplace resistance (Symon, 2005; Symon et al., 2008; Nentwich and Hoyer, 2013; Kamoche, Kannan and Siebers, 2014; Moufahim, Reedy and Humphreys, 2015) in which rhetoric is recognized as a tool of employees lower in the organizational hierarchies. In this sense, rhetoric is certainly not under the monopoly of managers. Managers can have the benefit of formal power to enact their rhetoric, while counter-rhetoric is still possible as a form of resistance performed by subordinates as an opposition to that power. In this configuration, it is possible to conceptualize rhetoric within disagreements. Rhetorical analysis is in this way useful to display the political scene in organizations by investigating the arguments and counterarguments and how they are communicated and enacted by different organizational actors (Symon et al., 2008).

Structuration theory and neo-institutional theory are the two theoretical bases commonly adopted for rhetorical investigations in organizations (Shepherd and Challenger, 2013). For studies employing structuration theory (Heracleous and Barrett, 2001; Heracleous, 2006; Barrett, Heracleous and Walsham, 2013), rhetoric plays a key role in the daily construction of discursive structures that determine actors’ interpretation and action. For studies adopting neo-institutional theory, the focus has usually been on how agents use rhetoric for the following: (1) conferring legitimacy to certain managerial decisions and practices (Suddaby and Greenwood, 2005; Green, Li and Nohria, 2009); (2) building or altering an institutional system (Heracleous and Barrett, 2001; Green, Babb and Alpaslan, 2008; Brown, Ainsworth and Grant, 2012); or
(3) enacting the dominant institutional logics within an institution (Lammers, 2011). Thus, in all these respects, rhetoric is more than simply a persuasion; rather, it has a significant performative power.

The issue of rhetorical legitimation has mainly attracted researchers working on institutional theory. One stream of research within neo-institutional theory (Green, 2004; Suddaby and Greenwood, 2005; Heracleous, 2006; Erkama and Vaara, 2010; Green and Li, 2011; Brown, Ainsworth and Grant, 2012; Harmon, Green and Goodnight, 2015; Hoefer and Green, 2016) has highlighted that managers intentionally employ various types of rhetoric to exert influence on what is legitimate and what it is not. For instance, in a landmark study that strongly demonstrated the role of rhetoric in institutions, Suddaby and Greenwood (2005) investigated judicial testimonies of a dispute that occurred when a very large accounting firm had acquired a law firm. They scrutinized the testimonies through a rhetorical content analysis, pairing specific rhetorical strategies of legitimation with peculiar types of institutional changes. Another important study was conducted by Green (2004), who employed Aristotle's well-known rhetoric framework (logos, ethos, and pathos). He showed that propagation of managerial practices is contingent on the success of rhetorical strategies. In this line of research, the intricate details and mechanisms of rhetoric have been skilfully scrutinized within various typologies and rhetorical frameworks. For example, Harmon et al. (2015) proposed using Toulmin’s (2003) highly analytic framework of rhetoric to distinguish rhetorical strategies into two categories: those that build the context of arguments and those that directly influence legitimacy assumptions. This line of institutional research can be overall distinguished as rhetorical institutionalism (Green, Li and Nohria, 2009; Green and Li, 2011; Harmon, Green and Goodnight, 2015; Hoefer and Green, 2016), which I will present in the following section to connect rhetorical institutionalism with the theoretical framework introduced in section 2.2.

**Rhetorical institutionalism**

Based on a synthesis of classical and modern theories of rhetoric within neo-institutional theory, several studies (Green, 2004; Green, Li and Nohria, 2009; Green
and Li, 2011; Harmon, Green and Goodnight, 2015; Hoefer and Green, 2016) conceptualized and theoretically advanced the rhetorical institutionalism approach. For instance, Green and Li (2011) and their successors (Harmon, Green and Goodnight, 2015; Hoefer and Green, 2016) drew on Burke’s (1969b, 1969a) rhetorical theory to use Burke’s conceptualization of symbolic action and non-symbolic motion to associate an agency with the former, while associating institutional structures with the latter. However, the argumentation theory of new rhetoric of Perelman and Olbrechts-Tyteca (1969) is only marginally drawn on such theoretical studies of rhetorical institutionalism. In many respects, the rhetorical analysis approach that was explored in section 2.2, which draws on Perelman and Olbrechts-Tyteca’s (1969) argumentation theory, can be considered a possible contribution to rhetorical institutionalism.

The analytical framework introduced in section 2.2 can be considered a contribution to rhetorical institutionalism, when the uniqueness of rhetorical institutional is made clear by comparing it with other approaches that focus on language use. For instance, in regard to language use and its political consequences within organizations, psychology research has emphasized the importance of personal influence tactics (Falbe and Yukl, 1992; Higgins, Judge and Ferris, 2003; Kapoutsis et al., 2012; Laud and Johnson, 2012; Lee et al., 2017), but it has not addressed the sociological dynamics or the processes of linguistic constructions associated with those influence tactics. In contrast, when language is again the issue, sociologically oriented studies have concentrated on the impact of broader discursive frames and constellations of text (Phillips, Lawrence and Hardy, 2004; Phillips and Oswick, 2012), and may have neglected agency. One way to transcend this classical agency–structure divergence is to use the rhetorical institutionalism approach (Green, Li and Nohria, 2009; Green and Li, 2011; Harmon, Green and Goodnight, 2015; Hoefer and Green, 2016), as it recognizes agency as an institutionally embedded force. The theoretical framework advanced in section 2.2 likewise entangles the agency of managers and their concerned employees within institutional dynamics, as moral norms are argued to be transferred from institutional logics. In this respect, this study can be theoretically considered as another line of rhetorical institutionalism.
As rhetorical institutionalism locates the role of an agent within an institutional structure, it connects sociological and psychological approaches studying language use in practice. Rhetorical institutionalism can be broadly defined as “the deployment of linguistic approaches in general and rhetorical insights in particular to explain how the strategic use of symbolic practices enable and constrain agency” (Green and Li, 2011, p. 1666). While some arguments can be reified as presumed precepts that govern institutional practices, agents can then challenge those presumptions again via argumentation (Hoefer and Green, 2016). In such confrontations, rhetorical institutionalism focuses on the content of arguments made during a rhetorical performance, as well as on the interpretative presumptions of an audience. Hence, this approach necessitates an understanding of the hermeneutic frames of the audience, along with an understanding of how speakers strategically exploit the power of argumentation to influence the audience.

The distinctiveness of rhetorical institutionalism is that legitimacy judgements are evaluated within an argumentative and interactional context, in which rhetoric is a practicality to address cognitive imperfections. Thus, speakers and audience collaboratively produce legitimacy verdicts, while both have cognitive limits. Therefore, their cognitive limits make them susceptible to persuasive talks, while their socially shared interpretative frames are exposed to changes by rhetoric as well. In this sense, arguments are conceived both as a tool of persuasion performed by the speaker, as well as a mechanism to shape the interpretation of the listener. Eventually, an “agency is embedded inevitably in the web of meaning that is produced by actors’ rhetorical practices which, when institutionalized, sets limits and boundaries to agentic manoeuvres and opportunities” (Green and Li, 2011, p. 1672). Therefore, actors have constrained room for rhetorical manoeuvres, as their strategic use of language is constrained by institutionalized interpretative frameworks. However, while personal arguments are affected by institutionalized precepts, actors can use rhetoric to challenge those precepts and produce new interpretations of reality (Green and Li, 2011).

According to the rhetorical institutionalism approach, actors’ social use of language forms a discursive structure that then limits their interpretations of the social world they...
share with others (Harmon, Green and Goodnight, 2015). In that sense, agents’ understanding and use of language are both constrained by a discursive interpretative scheme. Nonetheless, actors are able to develop new interpretations that can challenge the institutionalized versions (Green and Li, 2011). In addition, the multiplicity of institutional logics gives way to the legitimation of new forms of practices (Green, Babb and Alpaslan, 2008; Thornton, Ocasio and Lounsbury, 2012; Cloutier and Langley, 2013). Institutional theorists have long identified multiple institutional logics, i.e., values and belief systems, that can be invoked to claim legitimacy (Green, Babb and Alpaslan, 2008). Those logics constrain actors’ thoughts and communications as they impose institutionalized assumptions, rationalities, and values on their perceptions and talks (Thornton, Ocasio and Lounsbury, 2012). However, those institutional logics are open to different interpretations and reconstructions. This fluidity is susceptible to different rhetorical, and hence political, uses as agents can apply institutional logics strategically in their language use. Likewise, institutional fields do not necessarily have a clear order, as they can host conflicting institutional logics (Seo and Creed, 2002), which is likely to be the case in career advancement arrangements as suggested in the previous section. Those conflicting logics can be exploited by organizational actors in various ways to pursue their interests politically and to build their authority over others (Boxenbaum and Battilana, 2005). The resulting rhetorical reinterpretations and playful uses of institutional logics can then have consequences for the institutional order.

Two approaches to study those institutional consequences are noteworthy. The first is to conceive the changes as institutional entrepreneurship, which involves the use of rhetoric for legitimating and institutionalizing new practices and changing the order (Garud, Hardy and Maguire, 2007; Battilana, Leca and Boxenbaum, 2009; Brown, Ainsworth and Grant, 2012; Kim, Croidieu and Lippmann, 2016; Waldron, Fisher and Pfarrer, 2016). The second approach is to concentrate on institutional work (Symon et al., 2008; Lawrence, Suddaby and Leca, 2011). The institutional work approach enables an analysis of how an institutional order is challenged or altered by relatively weaker parties, rather than by leading figures that have entrepreneurial capacities. In this regard, the institutional work perspective is better suited to critical scholarship; however, similar to the institutional entrepreneurship approach, actors are conceived to have intentions to affect the institutional order. The institutional work concept particularly
takes intentionality as one of its core defining features. Thus, minority political movements and resistance activities are referred to as intentional actions that work on altering institutions. In this regard, it limits agency behaviour to political attempts that aim to challenge the institutional order. Nonetheless, it is difficult to distinguish whether the institutional order has been affected by the institutional work or is something of a one-off incident. By removing the assumption of intentionality for institutional change, this study has offered a different perspective than institutional entrepreneurship or institutional work as was advanced in section 2.2.

As was stated in section 2.2, in this study, no institutional change or institutional work is stipulated—although it is still a possibility. Instead, there is an agent who is concerned due to his or her personal perception of unfairness. The concerned actor refuses to submit to an authority that deploys rhetoric to legitimize his or her will, based on institutionally enabled legitimacy arguments (Sillince, 2002; Suddaby, 2011) associated with specific institutional logics (Misangyi and Weaver, 2008; Symon et al., 2008). However, the concerned employee presents an interpretation of an incident that is in contrast with the version portrayed by the authority figure. As the institutional order is in a sufficient degree of entropy, ambiguities and contingencies are prone to such disputes, which is the case for career advancement decisions. From this perspective, this study aims to elaborate the rhetorical aspects of such politically imbued relations on career advancement decisions. To this end, the conceptualization advocated in section 2.2 will enable analysis of how fairness and legitimacy, as two distinct forces, enact their political and social roles. In this pursuit, I would like to examine their interplay and evaluate the quality of interactional justice by focusing on eristic modes of discussions, rather than advocating a normative view on what should be accepted as fair or unfair. Therefore, whether the concerned employee is indeed a victim or an opportunist depends on a normative discussion that is outside the scope of this study. What is important in this study is whether the disputants engage in heuristic or eristic talks in terms of the level of interactional justice.
2.4 Conclusions

The first section of this chapter has argued that institutionalized career advancement arrangements can be in flux as hinted by new career concepts, despite the fact that their empirical prevalence has been refuted. Therefore, while it is still common to observe traditional career ladders in organizations, the institutional order in relation to career management is likely to be rather chaotic, which can be highly prone to disputes in practice. In such an entropic institutional order, meritocracy should not be empirically falsified or disparaged as a misleading ideology, since it is indeed a rational and individualistic aspiration that established merit as a rational criterion for justifiable inequalities. This view is also consistent with Adams’ (1963) equity theory, as he documented that employees rationally seek rewards in proportion to their contributions and are anguished by absolute egalitarian arrangements that neglect to reward their relative contributions in comparison to others in the organization.

However, while the stance for meritocracy is strong, merit is a problematic abstract concept. The definition of what it means to be meritocratic in particular situations is likely to induce disputes, as Perelman’s (1963, 1980) justice theory demonstrated the rhetorical difficulties of moving from abstract rules to concrete rules as presented in this chapter. In this respect, a rhetorical investigation into fairness disputes is promising to yield novel findings, as it enables assessing the quality of interactional justice when merit is rhetorically negotiated in practice.

As presented in the subsequent parts of the first section of this chapter, available academic investigations into career advancement disputes are based on different psychological and sociological perspectives than offered in this study. For instance, organizational politics research normally concentrates on legitimizing merely as a psychological influence tactic for persuasion, where the effects of failed persuasion attempt to legitimate contentious managerial decisions that are outside of their scope. On the other hand, sociologically oriented studies often concentrate on discriminatory discourses against disadvantaged social groups. In this regard, they are not focused on explaining individualistic discriminations or discriminations within socially dominant
groups. Moreover, they may neglect other socio-economic dynamics of exchange relationships within organizations. Overall, this study can address those gaps by its novel perspective, as advocated in the second section of this chapter.

According to the theoretical view advocated in the second section of this chapter, procedural justice expectations are a mirage for organizations. From Hayek’s (1973, 1976) point of view, an organization is an order through which employees are directed by the power of a managerial authority, rather than by the rule of law, which can only occur within a great societal order. This condition prohibits the feasibility of procedural justice in organizations. Nonetheless, both managerial authority and subordinates are engaged in an economic exchange relationship protected by laws and other institutions within the great societal order. Therefore, it is important to note that procedural justice is infeasible only within the free sphere of a managerial authority’s actions. Within this free domain, employers usually enjoy a legally defined freedom of action to determine who to promote, recruit, assign or reward more generously than others.

For the managerial domain of freedom, Perelman’s (1963, 1980) justice theory offers a suitable framework for studying justice in organizations. Within this theoretical framework, eristic managerial attitudes denote a major violation of interactional justice, as they prevent the proper resolution of concerns over distributive justice. Justice in organizations eventually necessitates problem solving discussions and the generation of authoritative conclusions rather than eristic sophistry and fait accompli (Perelman, 1963) that are nonetheless susceptible to being legitimized eristic argumentations by drawing on procedures and soothing interactions. Deception made possible via eristic arguments can impair employees’ rational decision-making capacities in the employment market and may deprive them of the capacity to call for external help from the institutional environment.

In this pursuit of rhetorical analysis, this study will benefit from the argumentation theory of the new rhetoric (Perelman and Olbrechts-Tyteca, 1969) as an analytical tool to investigate arguments. This study will accordingly conduct a rhetorical analysis
based on the theoretical perspective elaborated in this chapter to investigate possible indicators of eristic features within the career advancement disputes.

Although it would be very difficult to distinguish the eristic mode of managerial actions from those that are heuristic in practice, it is possible to discuss possibilities of eristic managerial action from cues such as the following:

- Dogmatic and hostile attitudes towards concerns of unfairness
- Poor association arguments that can easily fail a rationality test
- Silence to avoid employee objections
- An unwillingness to address objections or to seek persuasion
- An abuse of dissociation arguments to deny attributions of unfairness to observations.

These clues are dependent on subjective evaluations, as they do not apply objective criteria. However, they serve as a valuable starting point for an argumentative analysis of interactional justice relationships within organizations. Accordingly, by using these points of analysis, this study will focus on arguments between subordinate employees and their managers when subordinate employees complain that their career advancements are unfairly blocked.

In this respect, this study will focus on failed rhetorical attempts to resolve unfairness disputes concerning career advancement decisions. This study will question how a failure in unfairness complaining dialogue can be tainted by the eristic attitudes of the interlocutors. It will particularly investigate how managers can legitimize and enforce their controversial decisions in a possible eristic mode. The reason is that acting on personal unfairness perceptions can be a futile or destructive attempt for a complaining employee only if the dialogue of unfairness complaint is tainted by eristic, and therefore hypocritical, attitudes.
The theoretical framework advanced in this study can be considered an expansion of rhetorical institutionalism, since this study theoretically positions conflicting agencies, namely, managers and their subordinates, within a set of institutional and rhetorical dynamics. However, the novelty of this study is that the interactional justice aspects of the arguments are analysed at the micro level as a matter of exchange problem, rather than studying how arguments can change or influence the institutions. In this respect, the unit of analysis of this study is different than sociologically oriented institutional research, which usually equates legitimation with an institutional work or an institutional entrepreneurship activity.

In recent years, institutional theory has been criticized for not being concerned with issues of power, domination, conflict, inequality and injustice, while inordinately prioritizing managerial concerns (Hirsch and Lounsbury, 2015; Munir, 2015; Suddaby, 2015; Willmott, 2015). Hudson et al. (2015) likewise argued that the issues of power and domination are often stigmatized and assumed as taboos in the academic circles of institutional theorists. In this respect, the theoretical perspective advanced in this study can be conceived as a response to such laments for the lack of a critical stance within institutional research. However, it is important to note that the critical stance advocated herein differs from the critical theory of the Frankfurt School (Habermas, 1987, 1990), which promotes resolution through the most rationally powerful argument prevailing. By contrast, this study respects moral pluralism, acknowledges the weaknesses of rationality, and approves the traditional values derived from the institutional context as guides for the practical reasoning process. In this regard, this study can be associated with classical liberalism, which aspires to increase personal autonomy within effectively functioning markets.

Finally, the offered analytical framework based on the argumentation theory of Perelman and Olbrechts-Tyteca (1969) brings about a distinct methodological approach as it offers a unique way of conducting qualitative analysis compared to various discourse analysis techniques employed in management research. Its uniqueness will be expounded in more detail in the methodology chapter that follows.
Chapter 3: Methodology of the empirical research

Before moving onto the chapters that address the empirical analysis, this chapter will present details of the methodological approach that has been adopted in this study for empirical data collection and analysis. The first section will address developing explicit research questions and goals, since both the data collection and analysis are driven by these two concerns. The second section will then explain the research philosophy of this study to describe which ontological and epistemological principles are involved in addressing the stated research questions during data collection and analysis. The third section will inform how the empirical data were collected. It will be followed by the fourth section, which establishes the ethical protocol followed throughout this research project. Prior to the conclusions, the fifth section will describe the methods employed to analyse the collected data.

3.1 Research questions and goals

The present study is of the rhetorical nature of arguments in terms of how they can be used by disputants in organizations when they argue about the fairness of career advancement appointments. It specifically concentrates on fairness disputes between decision-making managers and their subordinates after a denied promotion. The overarching goal is to explore the breach of interactional justice in organizations by eristic modes of argumentations that can be employed to legitimize an allegedly unfair career advancement appointment. To address this broader research goal, two categories of research questions are derived, as follows:

1. Understanding the rhetorical processes: How can managers and their subordinates discursively legitimate their versions of fairness in career
advancement decisions, and what are the rhetorical processes by which conceptions of fairness can be disputed?

2. Understanding the impact of arguments: How can arguments be used to settle disputes on career advancement decisions? What can be the roles of eristic argumentation on the legitimation of contentious career advancement decisions? What can be the organizational consequences of violating interactional justice by eristic modes of talks?

The research questions have been addressed with certain ontological and epistemological principles that will be revealed in the following section.

3.2 Ontology and epistemology

The ontological and epistemological perspectives of this study can be deduced from the theoretical framework that was introduced in Chapter 2. As the main analytical framework, Perelman’s (1963, 1980) justice theory along with Perelman and Olbrecht-Tyteca’s (1969) argumentation theory of new rhetoric involve a specific ontological and epistemological commitment. Their research approach is also not incompatible with Hayek’s (1973, 1976, 1979) scholarship on justice and the rule of law, which are other aspects of the theoretical framework in Chapter 2. For instance, Hayek’s emphasis on imperfectness of rationality, his disdain for logical positivism (Ebenstein, 2003), and his epistemological concerns for misleading uses of language do not contradict the argumentation theory of new rhetoric.

Perelman and Olbrecht-Tyteca’s (1969) new rhetoric hints a dual ontology as premises of arguments that are theoretically divided into the following two categories: real factors (facts, truths, and presumptions of universal audience) and preferences (values, value hierarchies, and loci of value preferences). The new rhetoric places a
heavy emphasis on ontological social constructionism when arguments are supposed to be invented to persuade a particular audience who has subjective value preferences and value hierarchies. However, the theory acknowledges the possible existence of an objective reality when arguments are invented to persuade a universal audience. This is also apparent from another classification in their framework; Perelman and his collaborator distinguished apodictic (demonstration) assertions as expressions of self-evident, indisputable objective reality claims that can be verified by perfectly deductive reasoning, as opposed to rhetorical and therefore rationally tentative claims. Furthermore, Perelman (1980, 1982) explicitly rejected nominalism, while he was equally rejecting a naïve realism and a stringent reliance on deductive rationality. Perelman and Olbrecht-Tyteca aimed to avoid limiting rationality only to certainties, since the new rhetoric recognizes that individuals can create subjectively meaningful realities by their talks. Likewise, they showed that rationality, albeit imperfectly, can be employed to discuss tentative objective or subjective knowledge about reality.

According to the epistemological view of the argumentation theory of Perelman and Olbrechts-Tyteca (1969), a reasonably acceptable but imperfect access to the objective reality is the prevalent goal of rational inquiry. Speakers, such as scientists and philosophers, can invoke an objective reality when their intended audience is the universal audience (speakers’ imagination of all rational people) in which facts (verifiable sense data), truths (observable connections of facts, such as theories) and presumptions (expectations for normal behaviour) are recognized as real elements of talks. However, these real elements are epistemologically conceived as tentatively real as they may lose their objective status during argumentation. In this respect, talks that are addressed to a universal audience are talks of philosophers and scientists. This is so despite the fact that scientists ideally aim for undisputable apodictic claims, whereas philosophers ideally aim for perfect deductive rationality by dialectical arguments. Thus, although they have higher aspirations, scientists and philosophers are in the realm of rhetoric when they address tentative facts, truths and presumptions (Perelman, 1982).

Perelman (1979) was against logical positivism and its strict empiricist extensions as he demonstrated that the connection between reality and language can be open to a
variety of interpretations. In this respect, his studies were interpretivist projects. However, both Perelman and his collaborator (Perelman and Olbrechts-Tyteca, 1969) also subscribed to a view that scholars can agree on certain theories to explain factual knowledge, while the commonly agreed upon body of knowledge remains tentative and they can lose their factual status during argumentation. At the same time, Perelman (1980, 1982) attempted to avoid the relativism and arbitrariness of interpretations by claiming that rationality, albeit imperfectly expecting the apodictic demonstrations, can produce reasonable access to reliable knowledge. In this regard, he pronounced the value of sharing ideas and reasoning them in public to check their validity with other people who aspire to be rational. In a sense, his ideas share the aspirations for deploying ‘conjectures and refutations’ to improve our inevitably tentative knowledge as advocated by Popper’s (1972) critical rationalism. However, the new rhetoric as a project differs from critical rationalism in many other respects, as the former attempts to promote rational orientation in practical reasoning, while the latter attempts to demarcate scientific reasoning from others types of reasoning. Perelman and his collaborator (1969) overall advocated the use of rationality practically for producing knowledge without a concern for the rational excellency that is imposed by the rationalism of Descartes. They conceived human nature as a capable body that can use and create symbols for such a rational pursuit. In this respect, the analytical framework of new rhetoric is offered to understand the rhetorical processes involved in value-based practical reasoning. Thus, their framework enables analysts to observe rational imperfections and value-based preferences as well as to diagnose possible misuses of rhetoric by eristic arguments.

In parallel with Perelman’s and his colleague’s views, I have aimed to use practical rationality by an interpretative analysis to determine solutions to the stated research problems. As an extension of this practical view of rationality, this research project has benefited from both deductive and inductive reasoning in an iterative way to reach the most convincing answers, which can be referred to as abductive reasoning (Eriksson and Kovalainen, 2008). The use of abductive reasoning involves employing deductive reasoning to approach the phenomena with a certain theoretical view, then employing inductive reasoning to infer new theory driven explanations for the data (Peirce, 1997). However, the consequent theoretical explanation is not a generalization; rather, the new
theoretical statement is a hypothesis to simply explain the observed data in the best possible way under the light of an initial theoretical view (Godfrey-Smith, 2007). Therefore, the use of abductive reasoning relies on entering the field with certain expectations in a deductive mode, but crucially in a non-dogmatic and pragmatic way to reach the most reasonable explanations iteratively. Abduction is indeed a common reasoning method conducive to interesting theoretical explorations that are initiated by theory-laden observations, which are then to be supplemented by new theoretical findings (Van de Ven, 2007). To be effective, abductive reasoning requires a broad scholarship, as the more an individual knows and reads, the more he or she is likely to produce new ideas even while observing a phenomena from a certain theoretical perspective (Alvesson and Sköldberg, 2009). In this respect, this study has endeavoured to review a broad range of research literature, as can be found in Chapter 2.

Having defined the philosophical stance of this research project, the next section will discuss the practicalities of sampling and data collection.

3.3 Sampling and empirical data collection

This research project is a qualitative and interpretative empirical study in which semi-structured interviews have been utilized to gather primary data. Semi-structured interviewing is one of the most common data collection methods in qualitative research as it is conducive to the generation of rich data through an open conversation (King, 2004). With appropriate ethical precautions, interviewing is a practical and suitable method to receive individuals’ views about confidential topics (Guest, Namey and Mitchell, 2012), such as fairness and career advancement. The rhetorical analysis approach of this study, by its nature, chiefly necessitated a qualitative research design, as its analytical focus is on arguments, which can be conveniently extracted by an interview design.
Interviews for this study were conducted either in-person at the University of Leicester campus or on Skype as online dialogues. All the interviews were recorded by an external tape recorder; i.e., Skype interviews were not automatically recorded by the application. In this way, Skype interviews were treated in the same manner as face-to-face interviews. Thirty-six interviews were conducted in total. The interviews lasted approximately 40 minutes on average, while the duration of the interviews varied between 22 minutes and one hour and 25 minutes. As participants were not recruited from specific organizations that could support direct access to interviewees, having a sufficient sample size by arranging independent interviews was a very challenging task. Moreover, the sampling of participants was very selective. Therefore, it took nine months to perform interviews with a total of 36 participants.

Thirty-six interviews were determined to be sufficient for a meaningful analysis after an initial qualitative analysis of the available data during the data collection process. As Potter and Wetherell (1987) assert, even a single participant as a case study could reveal an insightful depth of information for a discursive analysis since such techniques often require a close look at each pertinent argument made during the talk. Likewise, in their narrative inquiry adopted as a form of discourse analysis, Woodilla and Forray (2008) had only 12 interview accounts for their qualitative study of organizational justice, which is a rare example from a limited number of qualitative studies of organizational justice. For these reasons, and due to the budgetary limitations of this self-funded research project, 36 informative interviews were considered to provide sufficiently rich data for conducting argumentative rhetorical analysis.

An intelligent verbatim transcription format was used to transcribe the interview records to produce written text in which the arguments can be conveniently scrutinized. In this regard, irritating filler words such as ‘Ahs’ or ‘erms’ were excluded from the transcripts along with other irrelevant expressions such as repetitions that can prevent a clean reading of the arguments. This is because, unlike a conversation analysis, there was no need for minuta details of the dialogue. Rather, this study has aimed to focus on the nature of the arguments and their associated rhetorical elements in terms of reasoning. Therefore, in the scope of this study, what was argued by participants is more
important than how participants delivered those arguments verbally. To collect the interview accounts, this research project engaged in two different fieldworks, in which the sampling of the participants and recruitment methods varied, as explained below for each fieldwork.

First fieldwork: Cases of allegedly unfair promotion decisions

Participants in this first fieldwork were selected from individuals who expressed that they had unfair career advancement experiences in their prior workplaces. During the interviews, participants were basically asked about details of their allegedly unfair career progression experiences; why they observed their incidents as unfair; how they were affected; and what they thought about general career management practices and processes in their organizations. The interview guidelines for the first fieldwork can be found in Appendix 1.

There were 15 participants in this first fieldwork; nine were postgraduate students of the University of Leicester, while the remaining six were not students. Of the 15 participants in this fieldwork, ten were female and five were male. Three participants were over 50 years old, and three participants were younger than 30 years old, while the remaining participants were in their 30s or 40s. The majority of them reported that their unfairness cases occurred in large organizations. Some further details of their organizations can be found in each chapter where their cases are summarized prior to the data analysis.

The student group was recruited via an e-mail distributed by the university to all of its postgraduate students, excluding the students at the School of Medicine and the School of Engineering (since it was not possible to reach the administrators of these schools). The University of Leicester overall played a limited gatekeeper role in this process, as their role was only to send initial invitation e-mails to postgraduate student e-mail groups. The university was not involved in the recruitment processes after the initial email distribution, as they urged interested participants to contact the researcher.
directly. Consequently, only the researcher and the participants were in direct communication to receive participants’ interest in the study. Recruiting research participants among students is one of the common recruitment strategies in social sciences, particularly in the field of psychology (Leentjens and Levenson, 2013). Nonetheless, the response rate for this fieldwork was extremely low due to highly selective sampling requirements, as the participants were to be selected only from individuals who claimed that they were subject to allegedly unfair career advancement appointments in their former jobs in UK or Western organizations. I estimate that approximately 4000 students received the initial invitation e-mails, but I could only recruit nine participants who matched the recruitment criteria. The difficulty of recruitment might stem from the fact that the majority of students may not have had an established career before becoming postgraduate students.

The remaining six participants were recruited outside the university. Each of these participants was recruited via social media websites such as LinkedIn, Facebook and Twitter. To increase the recruitment base, I posted invitations on social media groups and opened a Facebook page to advertise this research project. In addition, I asked other people with large networks to retweet my call to participate. Although I used social media intensively, I managed to recruit six participants eventually. In this respect, the rate of participation looked very low in this recruitment campaign as well. However, it was not possible to have an accurate estimate of how many people were reached. In addition to the general difficulties of online recruitment campaigns, individuals might have been particularly reluctant to talk about their careers to a stranger researcher. However, the most obvious challenge was again the stringent sampling criteria. Furthermore, snowball sampling opportunities were scant, as the qualified participants reported that they did not know any other person who had unfair career experiences in their past. For future research, alternative recruitment strategies could be more fruitful than relying on social media to reach such a specific population. For instance, collaborations with civil society organizations can be helpful.
Second fieldwork: Professional views of career advancement issues

In the second fieldwork, an attempt was made to capture managerial or expert views on the fairness of career management decisions by interviewing people who have had authority over human resources management issues in their organizations. The idea was to observe the rhetoric of people who built an expertise on career management issues through their experience or education, or who had a say in career management decisions of other people as a part of their managerial jobs. Of the 21 participants in this group, nine of the participants are human resources managers working in the UK for various large corporations; eight participants are working as employment relationship conciliators or advisers in the UK; and the remaining four participants comprise a career coach, an employment lawyer, a corporate executive, and one labour union representative who are all based in the UK. The participants in this field were all older than 40 years old.

In this fieldwork, participants were asked questions to reveal their professional and personal views on career advancement decisions taken in organizations, their personal views on how they judge fairness or justice approaches in addressing career decisions, their opinions on how they would decide promotion decisions of others, and what would be their advice to people who are unhappy with their career advancements. The interview guidelines for the second fieldwork can be found in Appendix 2.

All the participants in this fieldwork were recruited via LinkedIn or via a personal network built on the internet. As the sampling criteria were much less stringent than the first fieldwork, the response rate was also much better. It is impossible to have accurate estimations of how many people were reached over the internet, but overall much less effort was expended to recruit 21 participants in this fieldwork than the first fieldwork, which involved 15 participants. Pleasingly, especially employment relations advisors and conciliators were highly eager to participate. This might be because of the high relevancy of the research topic with their professional expertise. Another fruitful condition could be that they had an independent status, which might have helped them to speak without fear for their employment.
Another significant aspect in relation to both fieldworks is ethical considerations along with concerns for researcher reflexivity, which will be discussed next.

3.4 Research ethics and reflexivity

Before the data collection process began, formal ethical approval had been sought and obtained from the University of Leicester. The research design and researcher’s ethical commitments have been shaped according to that formal approval. In this respect, as stated in the previous section, each participant was identified, approached and recruited separately and independent of their organizations via online means. The independence of each participant was deemed to be important to ensure privacy of the interviewees and confidentiality of their accounts, as independently accessing the interviewees did not require collaboration from their employers who might monitor the participation of their employees. Likewise, sampling criteria were tightened as an ethical precaution. For this purpose, interviews in the first fieldwork were conducted only with people whose employment relations with employers hosting allegedly unfair work experiences had already ended. This was to ensure that there was no possibility of having an impact on their employment relations due to their participation in this research project.

Interviews were conducted within a set of well-known conventional ethical requirements. In this regard, all participants were informed that their participation was completely voluntary. Before their participation, interviewees were presented a participant information sheet providing detailed information for fieldworks 1 and 2, which can be found in Appendix 3 and Appendix 4, respectively. Before the interviews occurred, all participants were asked to read and approve the informed consent form to express their willingness to participate after being informed. The informed consent form can be found in Appendix 5. It is also important to state that there was no use of deception in this research project.
Each participant attended a debriefing before and after their interview in which they were informed that they had a right to withdraw their data before the anonymised data archival process. They were given opportunities to ask questions concerning the confidentiality of the interviews or any other issues in addition to what was written on the participant information sheets. In all research outputs of this study, any identifying information pertaining to individual participants and their organizations has been anonymised by pseudonyms to ensure confidentiality of the interviews. Participants were informed about this confidentiality principle as well.

Career issues and their fairness aspects inherently comprise sensitive employment issues. In this regard, the interpretation of these sensitive issues carries further ethical risks in a qualitative research approach, since research outcomes could be perceived as misleading representations of participant views (Willig, 2014). To address this concern, I have attempted to present my analysis of the data along with the original quotes from the analysed interview accounts. The theoretical framework presented in Chapter 2 can inform the reader explicitly about the theoretical choices that have informed the data analysis. “Because observations are theory-dependent on our preferences, experiences, and academic backgrounds, we are predisposed to make particular insights” (Van de Ven, 2007, p. 107). In this respect, theoretical and personal reflexivity can be helpful for readers to interpret the research outcomes accordingly.

Reflexivity in research is referred to as the transparent reflection of how the path of the research is shaped by the researcher’s subjective choices of processes and personal biases (Holland, 1999). Especially for a qualitative interpretative study, the subjectivity of the researcher becomes an important element to be considered by the reader. In this regard, reflexivity is useful to reveal the researcher’s line of reasoning, which can in turn facilitate the reader’s own interpretation of the research outcomes (Linstead, 1994). However, personal and theoretical choices should be considered only to assist the readers in their own interpretations of the research project. In this respect, research outcomes should not be shadowed by concerns for subjectivity. “Ideally, the researcher allows the empirical material to inspire, develop and reshape theoretical ideas” (Alvesson and Sköldberg, 2009, p. 346).
In terms of personal reflexivity, I can briefly give some relevant information about myself as a researcher. First, I am a Turkish PhD researcher studying in the UK, which explains my cultural background. My first degree was in Economics, which I completed at Hacettepe University, Ankara. I then studied an MBA degree at Yeditepe University, Istanbul, followed by an MSc Management degree at Nottingham Business School, and finally an MSc Industrial Engineering/Engineering Management degree at Middle East Technical University, Ankara. In this respect, I was informed by a variety of research traditions before starting this research project.

The topic of this PhD thesis was inspired by my work experiences in Turkey. This situation should not be interpreted as a source of bias, as such experiences also gave me an invaluable opportunity to reflect on unfairness issues that helped me to construct a richer interpretation, which would be unlikely without a lived experience. Personal experiences associated with a research topic are nothing unusual in academia. In fact, many well-known academics have been admittedly inspired by what they have lived through, which usually explains how those experiences helped them to produce original and renowned theories. For instance, Harvard University academic Jim Sidanius shared his life story riddled with childhood and youth experiences of racial discrimination, which lead him and his colleagues to develop the social dominance theory, making him a renowned academic in his field (Sidanius and Pratto, 2011).

In many respects, this chapter can be conceived as the presentation of epistemological reflexivity before presenting the research outcomes. Prior to the chapters containing the research findings, the next section will clarify the methods of data analysis involved in this research project.

3.5 Methods of Data Analysis

The overarching unit of analysis was arguments, which were classified thematically in distinct ways per analysis of each fieldwork. In this respect, the thematic focus varied
across the texts of the two different fieldworks. To analyse the transcripts of the first fieldwork, contradictory verdicts on career advancement decisions were the focus. To this end, arguments were classified whether they indicate employees’ unfairness claims or managerial legitimation claims. The identified legitimation and unfairness arguments in each unfairness case were then categorized based on the argumentation schemes of Perelman and Olbrechts-Tyteca (1969). In this process, contextual information was also identified and summarized for each case. Rhetorical features of each career dispute have been analysed as critical incidents in this respect. The categorized arguments along with their contextual information were then further classified based on how they represent the cues of eristic modes of legitimation that were identified in the conclusions section of Chapter 2. Eventually, each case in the first fieldwork was assigned to one of the above cues of eristic legitimations. Assigning each unfairness case to a distinct cue of eristic legitimations also constitutes their distribution into chapters, since each of the cues of eristic legitimations also constitutes the headings and subheadings of the empirical analysis chapters. These cues and how they are divided into each empirical analysis chapter are as follows:

- Dogmatic and hostile attitudes towards concerns of unfairness – Chapter 4
- Poor association arguments that can easily fail a rationality test – Chapter 5
- Silence to avoid employee objections – Chapter 5
- An unwillingness to address objections or to seek persuasion – Chapter 4
- An abuse of dissociation arguments to deny attributions of unfairness to observations – Chapter 6

In contrast, to analyse the transcripts of the second fieldwork, distinct statements by the HR professionals were first thematically sorted based on their relevance to unfairness arguments versus legitimation arguments in organizations. The Nvivo software programme (produced by QSR international) was used to thematically code the transcripts during that analysis process. The codes that emerged in this first round of analysis can be found in Appendix 6. Interview excerpts highlighted by each code were
then analysed to relate each of the statements into one of the cues of eristic modes of legitimations. Some of the interview excerpts provided less information about some cues of eristic modes of legitimations, while some were not linked with any cue. For this reason, the distribution of interview excerpts into different chapters and sections was uneven.

The chief goals of the empirical analysis were to construct an interpretative rhetorical analysis; to observe the rhetorical and argumentative nature of critical incidents; to explore arguments of the HR professionals; and to understand what all those arguments indicate concerning the legitimation of subjectively unfair career appointments. By rhetorical analysis, I am referring to hermeneutic scrutiny of arguments and communicative elements of persuasion, which are advocated in Billig (1987, 1991) and exemplified in Symon (2008). This type of analysis does not focus on the eloquence of the delivery of the rhetoric or scrutinize stylistic concerns; instead, the core attention is on arguments and their reasoning. For Billig (1991, p. 23), “the analyst cannot stand back from argumentation, for the reconstruction of rhetoric cannot itself escape from rhetoric” in a pursuit that involves the study of argumentation. In this sense, rhetorical analysis itself is a rhetorical stance against someone else’s rhetoric. Similarly, just as the use of rhetoric and invention of an argument involves the linguistic and cognitive creativity of a speaker, a rhetorical analyst also requires a similar rhetorical prowess to critically investigate other speakers’ rhetoric and the arguments raised within their rhetoric.

In this study, the general analytical approach is to observe and interpret how participants justify and build their arguments, based on the technical framework introduced in the argumentation theory of new rhetoric as advocated by Perelman and Olbrechts-Tyteca (1969). The empirical analysis is theory-driven, as the theoretical framework is made explicit in Chapter 2. Overall, I have adopted a type of rhetorical analysis in which the analysis is of arguments that are presented to convince others of a certain portrayal of reality while impairing alternative portrayals of reality (Symon, 2008). In such a rhetorical exchange, this study investigates the traces of eristic modes
of discussions, how they can impact interactional justice relations, and their consequences on employees and organizations.

Integration of independent samples and presentation of analysis

In the ensuing empirical analysis chapters, investigations of interview accounts originating from two independent samples will be presented. One of the samples represents the subordinate employees’ perspective based on their allegedly unfair career advancement experiences in their former organizations. I will refer to this sample group as ‘the concerned employees’. The other sample represents opinions of some HRM professionals who have overseen careers of some employees within different organizations. I will refer them as ‘the HRM professionals’. These two samples have no direct relationship, but they are meaningful to analyse together as they theoretically represent different perspectives in the case of a conflict on career advancement appointments by managers.

Perelman’s (1963, 1980) legal argumentation theory provides justification for theoretically connecting the use of these two diverse samples. According to Perelman, justice conflicts may eventually require juridical arbitration by a person who has the related expertise and authority to adjudicate the dispute. Such a person of authority should certainly be impartial, since one party should not be favoured over the other in advance of hearing the disputants’ arguments. However, this authority figure should not be objective (value-free) either. Instead, the adjudicator should hold subjective and value-laden views that are likely to be respected by the disputing parties. Objectivity is not helpful to resolve a value-laden dispute, as an arbitration of such a dispute eventually requires a decision based on a definitive value judgement that reveals a preferred set of values over other values. However, impartiality is still of paramount importance. In this respect, the sample of HRM professionals can theoretically represent some impartial but subjective views of possible adjudicators. However, there cannot be any empirical representativeness, as the two sample groups are empirically not connected by any means. Moreover, the HRM professionals simply shared their own general views on the issues, rather than specifically commenting on the unfairness cases.
analysed. The portfolio of opinions represented in the HRM professionals’ accounts is nevertheless important as they are likely to reflect institutionalized and therefore authoritative views on the legitimacy and fairness of managerial decisions on promotions, especially in the hypothetical case of a dispute arbitration.

In addition, empirical independence of the two samples should not be a concern for this research project as conceptual-theoretical generalizations are sought in this study, rather than empirical-theoretical generalizations to represent a specific empirical realm. In this regard, abductive reasoning is employed in this study to conceptualize the observed data with some explanatory hypotheses, rather than aiming to produce theoretical generalizations to have an empirical claim beyond the observed data (Godfrey-Smith, 2007). Future studies can test these conceptually formulated hypotheses to evaluate their empirical validity for a certain population. On the other hand, the use of diverse samples is not an alien strategy in organizational studies for conceptual-theoretical generalizations. For instance, some theoretical reviews of career studies (Higgins, Judge and Ferris, 2003; Arthur, Khapova and Celeste, 2005; Clarke, 2013) employed results of diverse independent empirical studies to produce synthetic theoretical conclusions. In addition to the theoretical reviews, there are some individual empirical research projects (Carmeli, Shalom and Weisberg, 2007; Laud and Johnson, 2012; Crawshaw and Game, 2015) that utilized diverse independent samples to enable theoretical generalizations to study issues in relation to career outcomes, similar to this study.

In this study, analysis of the two independent samples will be integrated within a structure in which the presentation of findings of the first sample will differ from the presentation of findings of the second sample. To simplify the interview accounts of the concerned employees in the first sample, I will first summarize their accounts as brief stories of unfairness narratives. In these summaries, I will concentrate on key fairness and legitimation arguments observable in the interview accounts as well as the overall plot of the unfairness incidents for the sake of not losing the context. I will then distinctly analyse the unfairness claims raised by the concerned employees as well as the managerial legitimation claims reported by them. I will also share their original
quotes to demonstrate their arguments in their own words. Overall, each concerned employees’ story will be studied as a case of critical incidents.

In contrast, the opinions of the HRM professionals will be introduced as separate quotes taken from their interviews whenever they are conceptually relevant to the themes analysed within each empirical chapter. I will treat the arguments of HRM professionals as if they are personal philosophical views constructed by personal experiences and knowledge. However, at the same time, I will use their views as reserves of arguments to be analysed as one of the rhetorical elements to be considered for the disputes on promotion decisions. In that regard, the arguments of the HRM professionals will be subject to argumentative analysis, although in a less comprehensive way than the arguments analysed within the accounts of the concerned employees. Because there are usually no disputatious circumstances represented in the accounts of the HRM professionals, analysis of their arguments will not be as complicated as the analysis of the arguments raised by the concerned employees.

On the other hand, analysing the concerned employees’ accounts results in some further challenges, as the accounts of these participants were one-sided representations of what had occurred. I could not have an opportunity to question the managerial parties who were accused of unfairness in the accounts of these concerned employees. As a piece of evidence for what was argued by managers to the concerned employees, I merely have what the concerned employees reported to me. Because of the one-sided information, it is not possible to be certain about the real motivations or thoughts of the accused managers who had acted in various ways to infuriate their subordinates. In such a situation, what is available for analysis is still meaningful. This study is based on subjectively unfair career advancement appointments, i.e., its starting point is personal unfairness perceptions. In this regard, this study relies on the overall interpretative perspectives of the concerned employees, not just to understand their personal resentments, but to understand the managerial responses they faced from their point of view. Accordingly, for the scope of this study, what the concerned employees reported in relation to their instances is more important than what occurred from an objective point of view, which seems to always be controversial. Hence, the concerned
employees’ perceptions of fairness, as well as their perception of the managerial rhetoric they received, can constitute a valid base to conduct a rhetorical inquiry on legitimation and unfairness arguments.

The veracity of the concerned employees’ accounts may still be in question. In terms of questioning the veracity of the claims, there are basically two possibilities to consider. The first possibility is that participants might have engaged in impression management tactics during the interviews. Therefore, they might have distorted or misrepresented their stories according to the impression they wanted to create. However, there was no incentive for them to misrepresent their situations to a stranger researcher with whom they had no expectations in return. The second possibility is that they themselves could have misinterpreted the situation or they might have failed to understand the managerial rhetoric they received. However, since the concerned employees’ personal fairness complaints are the starting point of the analysis, it is then meaningful to remain at their perception level and analyse the managerial arguments as they were perceived by them. On the other hand, it would be an enrichening comparison if there was an opportunity to verify the claims with the accused managerial party.

_Cultural and industrial context of analysis_

This research project has been conducted in the UK, but a few of the participants, i.e., five of the participants in the first fieldwork, have their cases related to countries other than the UK, and they are not British. In this respect, this research has some multinational aspects in terms of both the nationalities of participants and the locations of the allegedly unfair events. This might raise the question whether the cultural differences between countries of the participants can contaminate the theoretical findings of this study. However, as non-UK participants were only in the first fieldwork where data analysis has been conducted on a case-by-case basis, it is less likely to cause complications. In any case, the cultural context of this study was still limited to participants who had their employment experiences in Western organizations, i.e., organizations headquartered in Europe, North America, Australia, New Zealand and similar countries. Nonetheless, any distinction is not easy in the globalized
multinational business world as there is a significant level of workforce immigration and expatriation along with a widespread presence of multinational companies operating in many Eastern cultures. In practice, it is difficult to culturally isolate employees either based on their nationality or on the location of the workplaces involved. Likewise, this study does not have a focus on a single industry. Every industry is likely to have peculiar employment relationship dynamics. Even every organization within the same industry can have different features of employment practices. Perhaps such distinctions are not only highly impractical but also unnecessary when empirical generalization for a certain population is not the goal.

It is worthwhile to remember that this study does not aim to produce empirical generalizations about a certain country, cultural group or industry. Rather, it is to produce conceptual theories that can then be tested for their empirical validity for a certain population. As Van de Ven (2007, p. 105) argued, theorising “is fundamentally an ‘emptying operation’ in which the scholar strips or abstracts away idiosyncratic details of the situation observed in reality”. Theories in this respect can be configured without a concern for their empirical validity for a specific culture or industry. In this sense, the empirical basis of this study is a highly generic Western organization model with certain bureaucratic structures, which is indeed prevalent almost worldwide in some form and across many industries (Parker, 2002; Klikauer, 2013). However, it is evident that there are some commonalities across cultures and industries as well as striking differences imposed by institutional, historical, industrial and other socio-cultural factors. Thus, the readers of this research should be cognizant about to what extent the situation might be different in their contexts.

On the other hand, any perspective that aims for cultural isolation in addressing the research topic of this study would struggle. As it is argued often, we are living in a sophisticated globalized world where there is a significant level of workforce movement across the borders as well as geographical exportation of employment opportunities (Huws, 2014). The multinational composition of the workforce is undeniable. For instance, as of 2017, approximately 17 % of the UK workforce is composed of people who were not born in the UK (Office for National Statistics, 2017), which can be further
complicated considering the second-generation immigrants. Likewise, any cultural categorization can be open to criticism. After all, the differences between Western and Eastern countries are a wholesale categorization. One can easily argue that there is a variety of cultural or all types of differences between countries as much as between regions, cities, sectors, and organizational types. In this respect, a generic theoretical approach in this study can be appreciated.

3.6 The methodological originality of new rhetoric

Applying Perelman and Olbrechts-Tyteca’s (1969) argumentation theory, as an analytical tool for management research, promises novel methodological possibilities. Compared to discourse analysis approaches that are widely employed in management research, such as critical discourse analysis and conversation analysis (Phillips and Oswick, 2012; Kalou and Sadler-Smith, 2015), the argumentation theory of new rhetoric has a distinct unit of analysis and a systematic structure to rely on. New rhetoric directly focuses on the mechanics of an argument and the reasoning process it involves, rather than focusing on macro or micro discourses which can be sometimes defined in rather ambiguous ways. Moreover, new rhetoric diverges from poststructuralist approaches that are common in discourse analysis. In this sense, argumentation theory of new rhetoric aspires to restrain relativism in the qualitative analysis with its structure which recognizes real factors as well as subjective factors that are largely reduced to value-based disagreements. A brief survey of prominent discourse analysis methods will be useful to highlight the advantages of new rhetoric as a qualitative method. For this purpose, critical discourse analysis will be discussed as an example for sociological or macro-level discourse analysis methods. This will be followed by a discussion on discursive psychology and conversation analysis as examples of socio-psychological micro level discourse analysis methods.

According to critical discourse analysis, discourse is a mass of interrelated texts producing a reality shaped by discursive as well as social practices (Phillips and Hardy, 2002) in which it functions as a frame for shaping meaning making processes of
individuals (Burr, 2015) through concepts, objects and subject positions implicated in the discourses (Fairclough, 2010). Critical discourse analysis has been proposed as a method for exposing non-transparent power practices that are reflected in the discourses (van Dijk, 1993). For instance, controversial social legitimations of strategic corporate decisions have been studied through critical discourse analysis (Vaara and Tienari, 2008). When critical discourse analysis is employed, macro political contexts or public discussions are elaborated as a means of interpreting the analysed text on hand. Thus, critical discourse analysis is unlikely to be valuable without sufficient empirical elaboration of macro level contextual practices. However, critical discourse analysis as a method does not guide on how to conduct such an elaboration. Eventually, with all its ambiguities on how to apply the contextual as well as textual analysis, the critical discourse analysis provides a highly relativistic ground which is unlikely to produce conclusive outcomes. By contrast, the argumentation theory of new rhetoric mostly focuses on micro-level context to make sense of the arguments. However, new rhetoric is not isolated from macro-level sociological context either since it identifies loci of the preferable values. This present study connects loci of the preferable values to institutional logics as to explicitly identify sociological sources of arguments.

In comparison to critical discourse analysis, conversation analysis offers a much more text-focused and micro-level analysis. Conversation analysis is considered to be a new form of ethnomethodology as it is often called as ‘neo-ethnomethodology’ (Alvesson and Sköldberg, 2009). Conversation analysis has been offered to initiate rigorous analyses of naturally occurring talks while keeping the main principles of ethnomethodology (Seedhouse, 2015). In comparison to ethnomethodology, its empirical focus is less ambivalent as it solely concentrates on conversation and its effect on the context. Nonetheless, its aim is similar to ethnomethodology, that is to identify the unnoticed methods of ordinary people used in social interactions to produce a social order (Wooffitt, 2005). For this end, conversation analysis relies on investigating minutiae details of conversation, including seconds of pauses and sequential turns in a dialogue. Eventually, within all these minutiae of accounts, emerging roles, identities and relationships are aimed to revealed by conversation analysis (Seedhouse, 2015).
Utilizing conversation analysis is as challenging as critical discourse analysis. First and foremost, conversation analysis is devised for naturally occurring conversations which then limits its application. More importantly, the intense empirical focus on sequential analysis and minutiae details of dialogues is neither always justifiable nor likely to yield meaningful or reliable conclusions in many cases. By contrast, new rhetoric has a broader empirical interest in the construction of arguments and their value-based or factual sources which can be identifiable in a much more concrete way.

As another micro-level discourse analysis method, discursive psychology shares the epistemological and ontological foundations of ethnomethodology and conversation analysis but it has different analytical concerns. Unlike ethnomethodology, this method neglects shared sense making and its contribution to build a social order. Whereas in comparison to conversation analysis, which concentrates on studying sequential turns in dialogues, discursive psychology focuses on rhetorical elements of talks. However, the rhetorical interest of discursive psychology lies in analysing power of accounts in terms of how individuals are able to persuade or impress other people, and how they can impair opposing factual constructions (Phillips and Jørgensen, 2002; Wooffitt, 2005). Along with scrutinizing rhetorical features of the talks, the analytical focus of discursive psychology is variations within a specific participant account and between different participants’ accounts such as in terms of how participants portray objects and subjects, which vocabulary they resort to and which style they adopt throughout the talks (Potter and Wetherell, 1987). Eventually, discursive psychology is interested in studying content and rhetoric within the accounts as to observe how people produce factual representations with various motives (Edwards and Potter, 1992).

Similar to Scott and Lyman’s (1968) categorization of accounts, discursive psychology has an action orientation as it aims to explore intentions of the utterer such as blaming, disclaiming, excusing, justifying, inviting and so on (Wiggins and Potter, 2008). Interacting people are presumed to be performing actors, or in Billig’s (1987) term ‘rhetoricians’, who actively use language in order to serve to an implicit purpose. It is proposed that these rhetorical constructions in social domains can bring certain advantages for a group of people with some drawbacks for another group (Phillips and
Jørgensen, 2002). In this respect, discursive psychology is interested in analysing discourses that are assumed to have significant social consequences for the people involved (Burr, 2015).

While discursive psychology has admirable research goals, it does now involve any prescription about how to perform discourse analysis. The method largely depends on hermeneutic skills and intuitive ingenuity of the researcher. In fact, this is the common weakness of discourse analysis in general. Yet, Potter and Wetherell (1987) provide some initial strategies to deal with the textual data. They suggest that researchers should observe patterns of variability as well as consistency in the constructions as to hypothesize on what the discourses construct and which functions and effects they convey. These hypotheses are then advised to be explicitly evaluated by identifying linguistic evidences in the form of quotations from the analysed text. However, discursive psychology does not state how to conduct such a hypothesis evaluation. Thus, it is overall not clear how researchers should be guided in their analyses. Due to its methodical ambiguities, it is hard to imagine producing conclusive results by discursive psychology. By contrast, argumentation theory of new rhetoric has a much clearer unit of analysis focused on arguments, and it involves a clear structure that guides the textual analysis in terms of classifying the arguments and the reasoning processes. Thus, new rhetoric is relatively much more open to verifiable claims and ensuing criticisms, which is helpful to produce tangible conclusions out of the analysed data.

This chapter has presented the details of the methodological choices involved in this research project. The next three chapters will present the findings of the empirical research.
Chapter 4: The role of social relationships

With this chapter, an empirical inquiry will be initiated to address the research questions stated in Chapter 3. Those research questions can be briefly summarized as the following: how parties in a career advancement dispute legitimize their arguments in a rhetorical process and how arguments, especially those that are eristic, can be used to settle the disputes. In terms of addressing the stated research questions, this chapter will focus on one of the key indicators of eristic arguments; namely, the effect of personal hostilities between the disputants and their dogmatic attitudes towards each other’s arguments. Another concern will be to understand how the eristic nature of disputes can change by adding new people into the disputes. Overall, this chapter will question the social dynamics that are affecting the interactional justice of career advancement decisions.

It is worthwhile to review how Perelman and Olbrechts-Tyteca (1969) distinguished heuristic dialogues (i.e., discussions) from eristic dialogues (i.e., polemical debates). Heuristic dialogues are mainly for problem solving on rational grounds in which the universal audience is the intended audience. In contrast, eristic dialogues are conducted to win debates rather than weighing the arguments to reach a mutually acceptable settlement or a rationally justifiable outcome from the point of view of the universal audience. In eristic dialogues, the inherent soundness of arguments can be unquestioned by interlocutors in a biased way to favour their own positions. This distinction matters as eristic attitudes are likely to make arguing a futile attempt in terms of persuasion. This is because the interlocutors are likely to be obstinately fixed in their ideas, with an overshadowing desire to win the argument, and not open to genuine discussions (Walton, 1998b, 1999). In this respect, one of the possible indicators of eristic modes of discussion is the dogmatic and hostile attitudes of interlocutors, which will be investigated in light of the empirical data in the following section.
4.1 Dogmatism and hostility in justice talks

Many of the HRM professionals' accounts reveal the possibilities of hostile and dogmatic attitudes on the part of managers during and after the talks on unfairness of promotion decisions. In this regard, the accounts of the HRM professionals confirm the risks of voicing in organizations in terms of spoiling the employment relationships as documented by the employee voice literature (Cortina and Magley, 2003; Burris, 2012; Mahony and Klaas, 2014; Mowbray, Wilkinson and Tse, 2015). Relevant arguments of the HRM professionals testify to the possible consequences of the eristic nature of unfairness dialogues between managers and their subordinates. Those HRM professionals, whose accounts will be presented in the following paragraphs, generally recommended that concerned employees should leave their organizations if they are concerned with the fairness of their career levels. They conceived quitting as the only viable option for the concerned employees in the face of a dispute on fairness. Many of them openly advised resentful employees to refrain from pursuing justice talks with their superiors due to the unpleasant nature of such dialogues. Likewise, the HRM professionals did not refrain from stating that managers in charge of the controversial promotion decisions are unlikely to change their judgements after such hard dialogues, which are likely to hurt social relations seriously.

To build their arguments, the HRM professionals usually employed quasi-logical reasoning, which was regularly supported by association arguments based on the structure of reality they had observed throughout their professional experience. Their accounts, which will be presented below, commonly suggest that managers and their subordinates are highly likely to cling to their own version of reality and be closed to heuristic discussions.

Take for instance, the arguments of Eric (Ex-Director) below, indicating how managers can be dogmatic, or even antagonistic, about discussing the fairness of their promotion decisions. Eric’s argument is a quasi-logical comparison based on a dichotomy of choices he advocated. For the Ex-Director, employees should either
remain quiet and overcome their feelings of resentment or they should leave their organizations. Therefore, his dichotomy left no room for another option, such as raising a grievance.

Eric: Well my advice has always been in the same in the end, I’ve never reversed a decision on a promotion, never. That’s not because I think the decisions are imperfect, it’s just that every decision is imperfect to some degree or another, it’s just that we’ve arrived at what we think is the best decision. So the employee has got one of two choices. They can either get over it and build and continue to add value in their own way and learn some of the lessons that come out, or they always know where the door is. It’s a free world.

Gillian (HR Adviser) observed managerial responses to employees’ unfairness complaints as indirect and inefficient in some circumstances. She advocated honest but kind managerial explanations in lieu of misleading and futile talks with the concerned employees. For Gillian, as presented below, employees should be informed directly to allow them to dismiss the idea of arguing about the fairness of their career advancement. She argued that the concerned employees should be honestly advised to seek employment elsewhere while keeping their employment in the meantime. In this sense, with her quasi-logical association arguments, she implied that a dialogue on unfairness of a promotion decision can be deceptive and futile for the concerned employees.

Gillian: Sometimes the best way to help somebody to progress is to encourage them to leave the organisation. To do that in a very positive way and not, “We are sick of you, you need to leave.” Far from it. To say, “You are actually not going to go anywhere in this organisation because you are too experienced, too skilled or you have got different sorts of qualifications from those that are required and you are going to get stuck. The best thing you can do is to stay here while you look for something that is much more suitable for you outside of this organisation.”
For Cynthia (HR Adviser) likewise, as presented below, employees concerned with unfairness of promotions decisions have no option but either to face potentially self-destructive grievance actions or to leave their organizations. Voicing employee complaints, especially in the form of raising grievances, was highly discouraged in her account, as supported by her quasi-logical questionings as well as her arguments based on the structure of reality she had observed in her career.

Cynthia: … there’s nothing you can do other than leave an organisation. Other than, obviously, going through some sort of grievance process… You can leave that organization. Whether there is any legal claim you can bring is questionable…Individuals often do not think about what the outcome of that grievance could be. I would be having conversations with people around, have you thought realistically about what you could get out of raising a grievance? Is it going to get you what you want? Is it going to leave you in a worse place than you were when you started off?...the more you push it internally, if that annoys people, then you have got that balance have not you? To what you’re going to do. Do I want this awkward person progressing, when they have made my life difficult by pushing all the time? Therefore, it is difficult.

On the other hand, there is indeed no compelling logical necessity to refrain from raising unfairness complaints, unless one is sure of the futility or destructiveness of those complaints due to eristic attitudes. For Alvin (HR Adviser), employees can be sure about what they will face. Based on the structure of reality he had observed, Alvin argued that employees have quasi-logical expectations to face futile or destructive talks if they attempt to discuss fairness of promotion decisions. As presented below, Alvin used the metaphor of ‘playing the game’ to indicate that employees are usually aware of the ceremonious and hypocritical HR management practices.

Alvin: People think that, by complaining, they will blot their copy book and it will stop them getting through the next time. So what they tend to do is say nothing, keep their head down and start to play the games, the same as everybody else. So, again, it becomes almost built into the process that it’s a game rather than a genuine way of promoting the best candidates.
In a similar fashion, Henry (HR Adviser) and Hugo (HR Manager) stated below that employees who have unfairness claims are usually seen as troublemakers, or those ‘who are rocking the boat’. These metaphors vividly capture the likelihood of hostility in the case of discussing the fairness of a promotion decision. From their perspective, even if organizations have nicely written grievance procedures, it is not wise to resort to those procedures. Both of the HR professionals built their arguments based on the structure of reality they had observed in which they indicated meaningful sequential relations between certain actions and consequences.

Henry: I think we all know there are organizations that are very ruthless, and if you rock the boat, you will not be there long. You will be managed out or eased out – there are plenty of organizations such as that.

Hugo: I think everybody loses in the end and the position of the person who puts in the grievance, you can end up being thought of, which you should not be, as a troublemaker. It does not matter whether you're right or wrong, but the moment you go into process, you're doomed.

Leonardo (Legal expert), as presented below, provided some explanations on what managers usually think when they address employee complaints over the unfairness of their managerial decisions. He argued that a typical managerial response would be ‘take it or leave it’. Based on his experience, he argued that managers perceived such employees as difficult employees who should be dismissed. In this respect, he drew on sequential relations in the structure of reality he observed.

Leonardo: I think for 20 years I worked in law firms and in a private law school, and if someone had been complaining or they created problems, that would mean that they were even less likely to progress in the future...“If you do not like it, you need to leave,” and they could take action if you continue to be difficult. No-one would be difficult.
Leonardo (Legal expert) also indicated the harsh consequences of raising a grievance in organizations, even in law firms where the employees are legal professionals who know how to dispute legally. The legal expert utilized the metaphor of ‘professional suicide’ to describe the risk of raising a grievance.

Leonardo: In a private organization, usually it’s a really bad idea to use a grievance, because it will be remembered and it will affect your prospects in the future. I have noticed in public institutions people use them a lot. Where there are trade unions involved, people use them, but it would be professional suicide to use one – do a grievance – in a law firm, usually…It’s not worth it at all (Laughter). Even if it’s really bad and you feel it’s very unfair, it’s best not to say at all.

It could be the case that Leonardo was indicating an unwritten rule that coexists with the written legislation for employment. In this sense, what Leonardo suggested could be a spontaneously developed rule in the employment market in which lawyers find their jobs. The rules articulated in written employment legislations are likely to be in a symbiotic relationship with unwritten rules in which both need the other for the effective functioning of the order. “The preservation of the existing order of actions towards which all the recognized rules are directed may well be seen to require some other rule for the decision of disputes for which the recognized rules supply no answer” (Hayek, 1973, p. 78). In addition, note that what Leonardo suggested as an unwritten rule is a negative norm that prohibits certain behaviour, unlike organizational rules that positively instruct action. It could be the case that lawyers are conceived to breach a procedural norm of the market order when they resort to employment legislation for their own employment problems. In this respect, the different nature of rules valid in different orders can be observed in Leonardo’s arguments.

Eventually, it is possible to draw some meaningful conclusions from the presented accounts of the HRM professionals. For many of them, managers are unlikely to change their minds when their decisions are challenged by their subordinates. Likewise, according to their views, employees concerned with the unfairness of promotion decisions should not be optimistic at all if they decide to raise their voice about their
discontent. In this regard, none of the HRM professionals stated the possibility of solving the disputes by relying on procedural rules, while some of them even advised employees to refrain from using the procedures, especially grievance procedures. Instead, many of them identified the problems with the quality of the interactions.

The arguments of the HRM professionals support the view raised in Chapter 2 that an organization is an order of authority where procedures are not a reliable source of organizational justice. For eliciting desired outcomes, the managerial authority has to be persuaded in an organization, as procedures cannot determine outcomes in an organization. “Rules of organization are thus necessarily subsidiary to commands, filling in the gaps left by the commands...Without the assignment of a function and the determination of the ends to be pursued by particular commands, the bare abstract rule would not be sufficient to tell each individual what he must do” (Hayek, 1973, p. 49). In this respect, concerned employees cannot simply rely on procedural rules to challenge their managers’ decisions. Therefore, the nature of the interactions with the managers is crucial for subordinate employees.

It could be the case that managers may be open to problem-solving (heuristic) discussions when employees talk to them in a reverent manner, without implying or directly arguing for unfairness. However, such soft and reverent persuasion attempts might be the initial attempts of concerned employees who then have to escalate the issue further. On the other hand, when unfairness thoughts are escalated to complaining, either as formal grievances or informal charges, dogmatism and hostility on the part of managers are be highly probable, if not unavoidable. The cited accounts of the HRM professionals can eloquently describe the situation in this respect. In fact, raising a grievance naturally alters the type of conversation, in which having heuristic discussions becomes a minimal possibility due to the hostility induced by complaining. “You cannot have a rational discussion with a man who prefers shooting you to being convinced by you” (Popper, 1972, p. 357). Thus, as soon as employees escalate their cases to the level of complaining, they are by default forfeiting persuading their responsible managers; instead, they are trying to force their managers. It is therefore natural to expect dogmatic and hostile attitudes when managers and their subordinates
find themselves in a truly eristic debate led by raising an unfairness complaint. In this respect, raising grievances itself can induce dogmatism and hostility to the dialogues between managers and their concerned subordinates.

As Perelman and Olbrechts-Tyteca (1969) remarked, institutional settings can sometimes give us a clear idea about the intention of the speakers. For instance, legal and political institutions assign natural eristic roles to lawyers and politicians to defend their theses, ostensibly as a means of defeating their counterparties in the court or in the parliament, respectively. Raising grievances as an institutional arrangement likewise can unavoidably bring about similar eristic debates that can culminate with potential managerial hostility towards the employees who dare to raise their voices.

In a similar manner, all the interviewed concerned employees claimed that they thought they had valid unfairness cases, but their managers disagreed about their cases in a rather dogmatic manner. Their accounts also testified that the concerned employees failed to produce persuasive arguments to their managers, as much as the managerial rhetoric of legitimations was ineffective to persuade them in their dialogues. Dogmatic self-assertiveness can be an issue in this regard, even at the initial stages where there is no complaint to a third party. Eristic as well as dogmatic attitudes of the speakers were a possibility that can be revealed by analysing each party’s arguments. The accounts of Helena, Cornelia and Camilla are meaningful examples to analyse in the following subsections.

**Helena’s case**

Helena had a dispute with her superiors in relation to the interpretation and execution of internal HR procedures for promotion in which she based her unfairness claim on unequal treatment for her. Helena was working as an administrator for an airline company. At that time, she had made a claim that she deserved a higher role than a simple clerical title, as she argued that her responsibilities were significantly increased as she was managing two other employees reporting to her. She discussed the issue with
her boss, whom told her that he needed to check it with the HR staff. However, her HR director told her that her job was clerical and its nature did not justify a promotion to a non-clerical role. Helena identified another department’s employees who were performing similar jobs, but with higher titles than hers. As a response, she was told that their situations were different. Helena felt indignant as she thought that her contribution was not recognized equally. She was furious at the favouritism granted to others as her demand was being neglected. Her promotion was delayed for two years until her HR director was replaced by someone who finally approved Helena’s promotion request.

Helena’s unfairness claim was a quasi-logical argument, as she was complaining of unequal treatment to staff that appeared to have similar jobs. In that sense, her argument indicated a logical contradiction between promotion decisions for different employees performing similar tasks. Senses of distributive unfairness are often precipitated by employees’ comparisons with their peers (Gelens et al., 2014; Törnblom and Kazemi, 2015; Villanueva-Flores, Valle and Bornay-Barrachina, 2017). However, such comparisons were not completely logical arguments in the sense that the similarity of jobs of different personnel are usually not beyond dispute. Below is the related excerpt from Helena’s account suggesting the tentativeness of such quasi-logical claims.

Helena: I was surprised and shocked and upset and all you can imagine, furious even sometimes, because I knew that one person that was working under the HR director, this guy was just renewing the visas with the government and for me this job was not as complicated as mine was. I understand renewal of the visas you collect the documents, you submit them to the government and everything but in terms of accountability and responsibility it was almost on the same level. This person’s title I think was three steps higher than mine.

As Helena reported, her manager used ambiguities in Helena’s comparisons by constructing a hypothetical employee profile of someone who was supposed to hold the desired position instead of Helena. Therefore, instead of comparing Helena with other employees who were promoted, as Helena urged him to do, Helena’s HR director basically built a new reality by drawing on an archetypal marketing employee. It can be
observed that managers can stipulate new unwritten rules as an expediency (Jackall, 2010). For Perelman and Olbrechts-Tyteca (1969), individuals can defend themselves against charges of incompatibilities by such creative fictions. In this regard, the managerial legitimation claim in response to Helena’s unfairness claim was an argument that established a new structure of reality; specifically, an argument by advocating a model of an employee constructed to demarcate who could be promoted. Below is the related excerpt from Helena’s interview account.

Helena: I received an email from HR director saying that, “First the company needs some justification why they need a person in your role to be in a higher position than you are;” and then an explanation of what I need to do. Then, the second, “To my mind your job is clerical,” that is what he told me, “And to be in a professional role you need to do marketing,” not marketing but marketing reviews and track all the changes in the rates and stuff like that. Basically I was doing all of this!

As her starting point, Helena drew on her factual observations of other staff members’ titles and their functions within the organization. She also took the value of equality as another starting point on which to base her unfairness argument. In contrast, Helena’s HR director drew from his preferences in relation to value hierarchies to dictate which jobs should deserve promotions and which should not. In this sense, Helena’s HR director drew on the loci of quality that he used to dictate a specific value hierarchy that subordinated the value of equality in favour of some other criteria he advocated.

Therefore, in Helena’s case, the disagreement was mostly on the factual status of the premises of Helena’s unfairness argument. A disagreement on the factual status of the premises of an argument can indicate dissimilar evaluations of the appropriateness of the facts presented, or otherwise they show disagreements on the valid value judgements used to interpret the same facts (Perelman, 1980). To support his dissimilar evaluation, Helena’s manager imposed a new value hierarchy. However, Helena’s manager crucially did not seem to address Helena’s comparison with other employees in the organization. As Adam’s (1963) equity theory indicates, employees compare their
input-output contributions with their peers, not in isolation. Although Helena’s manager provided an informative justification for his controversial managerial decision to deny Helena’s promotion, he left Helena unpersuaded as he had not addressed her comparisons.

**Cornelia’s case**

Cornelia was working as an English and math tutor at a primary school in the UK. There was a graduate scheme for management and teaching roles in her organization. One of her same-level colleagues was offered to participate in this scheme, whereas Cornelia was not given the opportunity. However, her colleague left her job after six months, as Cornelia claimed that she could not perform the managerial job. Then, Cornelia was hopeful to proceed into the same scheme based on the performance she had displayed so far. However, she was only promoted to an administrative role. On the other hand, her organization recruited new tutors who did not have any previous experience as far as Cornelia knew. She observed that the new recruits were generously awarded with praise and favoured for a fast track promotion even in their first month, whereas her efforts were not recognized even after two years. She reacted and talked to her manager, who gave an explanation that the promoted staff members were more enthusiastic than Cornelia, to legitimize the managerial behaviour.

Cornelia built her unfairness claims by creating an argument based on the structure of reality she observed. In that regard, she used her factual observations indicating coexistence of favoured treatment for new recruits and an unequal treatment for her. She also produced a quasi-logical argument to further support her rightness in her unfairness claim. To that end, she quasi-logically explained why the new recruits did not deserve the favoured treatment. She basically argued that the new recruits did not have any prior experience, whereas she already had two years of experience. Therefore, her quasi-logical conclusion was that she deserved the promotion, not them. Below is the related excerpt from her interview account.
Cornelia: She started at the same time as me, so I think they wanted to fast-track her because she showed interest. She did not master the basic skills and she did not have previous experience with children. The children were not used to her because we were all new and they had to get to know all of us. I felt like this was strange and unfair because I might be interested in this. I am a graduate too, but just because I did not express it in my interview they just started training someone else up without thinking, “Do they have the skills?” Without thinking, “Can they do the basic job?”

However, her manager established a new structure of reality by appealing to a different model of an employee, namely, an enthusiastic employee who could be rightfully favoured for promotion. By creating a new reality by drawing on a model, the managerial decision was legitimized without due attention to the reality and the quasi-logical connection indicated by Cornelia. Below is the related excerpt from her interview account.

Cornelia: I expressed my feelings to her and I never said the word favouring she said it first. She goes, “I understand you might think it is favouring, but it is not favouring”. She said, “It is not favouring, we are trying to treat everyone fairly here. It is just they expressed their interest a lot earlier so we just thought, “Let’s give them the chance”. They really really wanted to do it, so we thought we would take a chance even if it is risky.”

Seniority was a critical value criterion for Cornelia, as her starting point was her factual observations that she interpreted under the influence of the loci of quantity, prioritizing the value of seniority and her number of skills. However, Cornelia’s manager drew on the loci of essence (as personal character), which prioritized enthusiasm as a certain character type, indicating a higher value for it than the value of seniority. Therefore, Cornelia’s factual observations were undermined by the managerial response. A disagreement on the choice of the premises indicates disparities on which rules and results should be applicable in a given situation (Perelman, 1980). In this respect, Cornelia and her manager drew on different value hierarchies; therefore, they used different premises as the bases of their arguments, which led to their disagreements.
Camilla’s case

Camilla is originally from India. She argued that she had suffered from unfair social barriers for getting promoted in her first years of career life in the UK. Her peers, unlike Camilla, were generally single and without children, who could spend time together after work. Camilla argued they were able to build social bonds outside the workplace in which Camilla was always excluded. She argued that promotion opportunities were usually distributed informally within this highly networked group. Camilla reacted and complained about this situation to her manager. With anger, she spoke up and talked about her union membership and raised the possibility of filing a grievance for racial discrimination. After a time, a promotion opportunity was then formally announced in her new team. However, her application for promotion was unsuccessful. Camilla claimed that the job was given to a relatively unskilled lady who had only previously worked as a personal assistant. With this concern, she filed a formal grievance case, but her case was soon dismissed, as she failed to provide evidence to support her discrimination claim.

Camilla grounded her unfairness arguments on the structure of reality she had observed. She shared her observation with her manager that the single employees were enjoying promotion opportunities followed by their socializations with their peers outside of office hours. In this regard, she associated being single with getting promoted, which she found to be an unfair sequential relation. She also argued for an unfair coexistence, i.e., the existence of being less senior and less capable with the existence of getting promoted. In addition, she associated her case with racial discrimination as another unfair coexistence. Below is the related excerpt from her interview account.

Camilla: They were bachelors, everybody were bachelors. Just a couple of them, they were married but they did not have kids or anything, so they wanted to hang around. Well, probably, they did not mind hanging around, but that was not something I really enjoy after work. Therefore, I was not seen as part of the team. Then, the other thing was, soon after coming from India, my accent was very different, very different, you can imagine.
…Then, the lady who was offered the role… had no background in HR but given the role, because this manager favoured them over me. Or, rather than saying ‘favoured them over me’, they did not want me in the team because of the past, whatever, grudge they had. Therefore, those have been my experiences. I believe, more than favouritism, there was discrimination.

As a response, her managers established a new structure of reality by drawing on a model of an employee who was presumed to display certain capabilities that Camilla was argued to be lacking. Below is the related excerpt from her interview account.

Camilla: I was just told that “We do not think you have the capability for a promotion anyway. I do not think you can handle it, handle those responsibilities”.

Camilla’s starting point was her factual observations of the promotion of single employees who socialized with others outside of office hours. Camilla also used the loci of quantity to prioritize her value of relative seniority to argue that she deserved the advertised job. In this respect, she claimed that she deserved a promotion due to her number of years in the organization. However, Camilla’s manager drew from the loci of quality that dictated a different value hierarchy arranged by a qualitative ordering that downgraded seniority and upgraded some ambiguous set of capabilities required for promotions. On the other hand, Camilla used another fact, that she was not white, as a basis for her discrimination claim. Nevertheless, Camilla’s account did not provide sufficient information about whether or how her racial discrimination accusation was negotiated with her managers.

In Camilla’s case, the disagreement was on the choice of relevant premises, as Camilla’s manager referred to different values to assess the capabilities of Camilla than what Camilla argued. Camilla and her manager also disagreed on the presentation of the premises of the unfairness argument. The disagreements on the presentation of premises is related to how the premises are expressed (Perelman, 1980). In this respect, when
Camilla immediately implied a serious discrimination that should involve her union, she might have sparked a disagreement.

**Discussion of the analysed cases**

These three accounts demonstrate some eristic aspects, i.e., the polemical or winning-oriented nature of talks (Perelman, 1963; Perelman and Olbrechts-Tyteca, 1969), between subordinate employees and their managers. There were clearly some eristic intentions in the analysed dialogues, as the interlocutors seemed to be uninterested in appreciating the other party’s reality claims. When the participants reacted to their managers regarding their deprived promotion opportunities, the managers seemed to justify their controversial decisions obstinately by establishing a new reality rather than offering a thorough evaluation of the reality observed and argued by the complaining employees. The same can be true for the complaining subordinates, since they might have been fixed in their views of reality and their ways of reasoning as well. In all three cases, while the subordinate employees presented a factual observation, the responsible managers relegated those observations to be opinions by establishing new realities. In this respect, the analysed talks appeared to be characterized by profound differences in the interpretation of facts and opinions that were not addressed or negotiated, but instead settled by negating or dismissing the other interlocutor’s argument. Thus, the conversations were likely to be distanced from the features of heuristic dialogues because they were geared towards repudiating, not towards persuading the other party and maintaining a workable agreement. As a possible result of that eristic tone, neither the disputes nor the differences of opinions were resolved. However, one of the interlocutors, the managers, won, while the other interlocutor, the subordinate employees, lost the disputes as the employees lacked the power and authority to exert their wills.

The more pertinent question in this sense is why interlocutors were inclined to hold such an intransigent attitude in a dialogue? In other words, why interlocutors would be so resistant to being persuaded? Is it because they were fixed in their decisions so that they were declining a heuristic dialogue purposefully or could there be some
fundamental disagreements precluding a resolution? In addition to possibilities for eristic modes of discussion, an agreement could be impossible, albeit with good intentions from all interlocutors.

An argument initiated with different premises is destined to fail in persuasion. For persuasion to occur, according to Perelman and Olbrechts-Tyteca (1969), argumentation must start from an agreed upon premise. Disagreements on premises can arise on three levels: the status of the premises, the choice of the premises and how the premises are presented (Perelman and Olbrechts-Tyteca, 1969). As the accounts of the concerned employees reveal, those three former employees failed to gain their former superiors’ support for their claims due to profound disagreements on the starting premises of their unfairness arguments. All those disagreements indicate a common pattern in this sense. The preferences of a particular audience, i.e., values, value hierarchies and the loci of the preferable values, can play their parts in the disagreements (Perelman and Olbrechts-Tyteca, 1969). If an argument depends on a different value or value hierarchy than the audience believes, or if the presumed values and value hierarchies are generated by different logical principles (loci of the preferable) than what an audience endorses, persuasion is an unlikely outcome. As “loci can be defined as storehouses for arguments” (Perelman and Olbrechts-Tyteca, 1969, p. 98), distinct loci embedded within endorsed institutional logics provide different rhetorical options for justifying a controversial managerial decision on promotion (Green and Li, 2011; Harmon, Green and Goodnight, 2015; Hoefer and Green, 2016). Hence, the disagreements might have simply stemmed from profound disagreements on the value preferences, which might have prevented any workable discussion.

For persuasion to occur, there must be communion between the interlocutors (Perelman and Olbrechts-Tyteca, 1969). As Perelman (1979, p. 11) stated, “argumentation unlike demonstration, presupposes a meeting of minds: the will on the part of the orator to persuade and not to compel or command, and a disposition on the part of the audience to listen”. In this respect, all three cases analysed do not indicate such a communion of minds. Rather, it can be observed that the interlocutors in the analysed cases were entrenched in their own value-based views. Thus, the cases of
Helena, Cornelia and Camilla hint at deeper interactional problems that evolved long before the analysed unfairness talks.

When a speaker struggles to identify with the audience and is not able to build a communion appropriately, interpretations and therefore the overall communication can suffer. We use presumptions and precedents to interpret rhetorical arguments (Perelman, 1980). Likewise, individuals can develop specific presumptions or prejudices for a person, which are shaped by their initial experiences with that person. However, once those personal presumptions are imprinted, they can distort the nature of their further communication with that person. Thus, depending on the extent of the lack of communion between the speaker and the audience, the interpretations may vary from sympathetic to hostile due to distorted interpretations. Because of the lack of proper social connection, the use of rhetoric can lose its function to induce cooperation or fail to produce an intended effect on the audience when the interlocutors cease to respond to symbols appropriately. This may explain the rather dogmatic as well as eristic stances displayed by both managers and their concerned employees during their conversations, as testified by the analysed unfairness stories of Helena, Cornelia and Camilla. In that respect, the disputants in the analysed dialogues seem to have failed to develop a workable communicative social relationship conducive to mutual understanding, long before they had their unfairness disputes. It is in this sense that the lack of social bonds between disputants could be an important impediment to a proper exchange of ideas.

However, the starting points of the unfairness arguments cited in those three accounts were not completely personal. They were in some way based on the universal value of equality, which is usually an institutionally protected right. Due to universal support for such values, the concerned employees might have been encouraged to act. Thus, the concerned employees might have assumed the existence of an appropriate institutional basis that enables and prompts them to act accordingly (Green, Li and Nohria, 2009; Harmon, Green and Goodnight, 2015). However, socially accepted abstract values, such as equality and justice, cease to be accepted uniformly at the concrete level, which can give rise to disagreements (Perelman, 1963, 1980), as exemplified in those three cases.
It is not possible to clearly delineate whether the analysed talks were predominantly eristic or heuristic, since there was no possibility to question the accused managers with a cross investigation. However, the general views of the HRM professionals and the analysed arguments in the three incidents indicate a significant likelihood of eristic features in such dialogues in terms of the possible hostility and antagonism they can involve. In this respect, discussing the fairness of promotion decisions with the responsible manager can be significantly susceptible to the eristic attitudes of the interlocutors, who may resort to abusing rhetoric with sophistry.

On the other hand, to discuss winning or losing an argument, there must be a judging audience, who is a decision-making authority and whose views and approvals matter, to declare the winner and the loser (Perelman, 1963). So far, the only judging authorities revealed in the analysed cases were the managers themselves who were also the accused parties. Hence, there was no other actual audience involved in the dialogues other than the concerned employees and their managers. Although an implied audience referred to as the institutional gaze was always present as expounded in Chapter 2, the eristic aspects of dialogues can be further exposed when new actual parties are involved to determine who can win or lose an argument. In this sense, to further question the possibility of eristic features, it is important to inquire what can occur when there is a third-party involved as a new actual audience. The outcomes of the fairness talks may change if there is a third party who is entitled to judge the situation from the perspective of another actual audience, especially one who is ideally inspired to hold the perspective of a universal audience. Thus, in the next section, I will discuss scenarios in which third parties are involved as new actual audiences. This can change the nature of the interpretation as well as the outcome of communication.

4.2 Finding the right people

Some of the interviewed HRM professionals pronounce the crucial importance of social relationships as a protection against being harmed by possibly unfair managerial decisions. In their arguments, their focal points shifted from what should be fair in a
normative way into who has power to dictate his or her terms by persuading the most powerful actors and securing the patronage of influential actors. In this sense, norms were either overridden or cast aside as immaterial. The HRM professionals’ accounts quoted below are illustrative from this perspective. In their arguments, the HRM professionals employed association arguments based on the structure of reality they had observed. Those HRM professionals mainly indicated the coexistence of being victimised and the lack of powerful connections.

For Eric (Ex-Director), the default position should be to assume a lack of fairness in organizations; his recommended solution is to protect valuable employees in advance. However, if his advice is followed, such a strategy may in practice infuriate others in the organization as favouritism. His argument is presented below.

Eric: There is no fairness in a competitive corporate world. Your only defence is to be relationally well networked, and this is why I said protection is important, that you have to protect very competent people who may not have that capacity or desire to build strong, broad relational networks, and yet they have a right to work and they have value to offer at the same time.

For Daisy (HR Director), building good relationships is the utmost necessity for career progression. It can be inferred from her argument that the lack of a social network is itself a good reason to deny promotion to such employees in the first place. Below is the related excerpt from her account.

Daisy: I think the biggest career plan that anybody can have is to build good relationships, that is what makes businesses work. It’s the networks, it’s the relationships, it’s the connections that you build that will ultimately progress your career. No matter what, if you can do that, build strong relationships, ultimately that is what will support your career.

Alvin (HR Adviser), on the other hand, argued that not all people are happy about the importance of social relationships in organizations. For him, connecting with the
‘right people’ is nevertheless on par with learning the ‘right tricks’. In this sense, he acknowledges some possible ethical controversies around the effect of connections in career advancement. Below is the related excerpt from his account.

Alvin: Therefore, I think there is some issues there around people doing the right thing to get the promotion, saying the right thing, being friends with the right people, learning the right tricks in order to get through the recruitment processes, rather than it being the best candidates for the jobs.

Having powerful connections in an organization can bring about undeniable advantages in the case of a dispute on career advancement decisions. As stated in the previous section, raising grievances against managers is highly likely to bring about eristic dialogues between the complaining employees and their managers. In such an eristic debate, one would need the support of allies to persuade the person who has the power to judge or adjudicate the dispute. After all, the success of raising grievances continues to depend on the persuasive power of the complaining employees’ arguments. Thus, if subordinate employees cannot persuade their superiors, then they may have to escalate the issue to the attention of another audience for another persuasion attempt.

Some of the concerned employees reported that they opted for such a route. This led them to engage in formal grievance battles with their superiors. However, as expected, this option seems to be risky. Formal grievances can be particularly unproductive and futile when the managerial legitimations of allegedly unfair decisions can be acceptable excuses endorsed by other institutional actors, who may oversee the grievance cases in an unjustifiably biased way. Furthermore, as the participant accounts below demonstrate, whether a decision is eventually accepted as unfair or legitimate may depend on the political and rhetorical power of the claimant in persuading the judging audience, rather than a stable norm and fully rational criteria. As a demonstration of the complexity of such cases, Octavia’s incident is a meaningful example presented below. My interview with Octavia lasted more than one and a half hours, as she had a very intricate and informative story to tell.
Octavia’s case

Octavia, a lawyer by profession, engaged in a fierce rhetorical battle with her superiors. She was working in an ex-Soviet country for a very large international non-governmental organization headquartered in Western Europe. She applied for an internal vacancy to obtain a promotion. After a couple of interviews, she was informed that her manager had found her qualifications insufficient for the advertised role and that they had proceeded with another member of the staff. After being denied for promotion, Octavia scrutinized the job description again and again and she was not convinced by the justification provided. She claimed to hold an impressive CV with many skills and proven competences as well as a master’s degree in law with distinction from one of the most prestigious British universities. She reported that she was then shocked to see that one of the newly promoted officers had a close relationship with her manager’s wife. Octavia was furious to be told that she was underqualified for the role, while they chose another lady who seemed to her to be much less qualified. Octavia consequently raised the issue to her German manager with great anger and shared her frustration. To pacify Octavia’s reactions, her manager promised her another international promotion opportunity; however, the promise was later not honoured. She decided to issue a written complaint to the Swiss director who was the superior of Octavia’s manager and who eventually arranged a mediation meeting. In that meeting, Octavia’s grievances were rejected by her supervisor and her line manager who accused Octavia of malpractice and underperformance in her job. Octavia rejected those allegations against her and she denounced all of them as false. She was then completely ostracized in her department due to her grievance case. All her responsibilities were taken away one by one. In her performance review, she was given an unusually low grade for her latest performance along with insulting remarks. She then asked for assistance from the central HR department in Switzerland by sending them a 22-page complaint and 200 pages of supporting documents. The HR department assigned the issue to a review panel that quickly dropped Octavia’s case within several days and absolved Octavia’s superiors. However, as a precaution, her Swiss director transferred her to another unit where she opened her issue with her new supervisor. Her new supervisor was a French lady who had some feminist aspirations to act against Octavia’s former male boss. Under her new French boss’ tutelage and direct intervention, Octavia
managed to reopen her grievance case against her former boss. A fresh panel in Switzerland was then formed to reinvestigate Octavia’s case. After six months of inquiry and a series of interviews, the new panel decreed that Octavia had been unfairly treated by her former manager and supervisor. Octavia was pardoned and her latest performance review was corrected accordingly.

Octavia’s unfairness claim has three arguments. In her first argument of unfairness, she built an argument based on the structure of reality she observed as she perceived the other candidate’s lack of qualifications and experiences as an unfair coexistence with the consequent promotion decision. She then built a quasi-logical argument that the promotion promise given to her should have been kept. Third, she associated her belittling performance reviews with her preceding decision to raise a grievance against her managers as a sequential relationship that she found to be unfair. Below are the related excerpts from her accounts.

Octavia: (1) I met the candidate, I actually knew her…She was just a fresh graduate. she had only one year of experience, and even this year was not related to the work with….For half a year, she was just a translator.

Octavia: (2) He just said, “Do not pay attention to this. You know what? I will help you to get your international promotion. I will help you, so you do not need to get this local promotion. I will be promoting you at international level.” …but he did not let me go. He said, “No, no, I am not authorising you”.

Octavia: (3) They spoiled my performance sheet. You know we have a performance appraisal sheet, which is completed by the manager, by my supervisor, at the end of the year…I was always getting seven and eight on my performance…but he intentionally gave me two, three, you know, and wrote very, very bad things about me. What is worse, he put in his comments very bad things, as if other colleagues were telling very bad things about me.
In response, her managers initially established a different reality by arguing that Octavia’s qualifications were not sufficient, as if they were alluding to a different model of an employee who was supposed to deserve a promotion. Furthermore, Octavia’s managers depicted a reality different than what Octavia depicted. In their depiction of reality, Octavia’s managers associated their denial of promotion of Octavia with Octavia’s initial misconducts and underperformance, which Octavia perceived as false accusations. However, Octavia then managed to change her audience twice, which produced different results for her as stated in her story. Here are the related excerpts from her account.

Octavia: (1) He said that for one position, they found someone who was more qualified than me; but for the second position….he said that I was not qualified at all.

Octavia: (2) They started to accuse me of alleged violations of the working discipline, as if I violated the principle of confidentiality. As if I was, you know, as if I was not dealing properly with… (clients) and their claims. As if I was not very careful with, I would say, with keeping details confidential. Many allegations which never occurred, but they were just trying to tarnish me. They were trying to negate me, just to do all the bad things, belittle me, and everything, that I was worthless, I was useless, and they did not want to work with me. They were very hostile.

Octavia’s starting point was the loci of quantity, as she drew on her overwhelming quantitative advantages in terms of her level of experience and the prestige of her education. The loci of quantity she advocated involved prioritization of her value of seniority and the prestige of her educational background over other possible merits. Octavia also indicated her factual observations of unfulfilled promises and retaliatory performance reviews as her other starting points. However, her managers drew on the loci of quality as a basis of their claims to argue that Octavia had insufficient qualifications. Nonetheless, which types of qualifications they prioritize was ambiguous in Octavia’s account. The factual claims of Octavia’s managers were also contradicting with Octavia’s portrayal of managerial retaliatory action. In this respect, Octavia’s managers explained their derogatory performance reviews of Octavia by claiming that
Octavia was underperforming and had engaged in malpractice, which Octavia strictly rejected. Such striking factual contradictions could be relatively easy to resolve by an impartial third-party investigation in comparison to resolving the other issues that were entangled with value-laden reality interpretation. Thus, the involvement of a new audience can have a decisive role in arbitrating a dispute, as exemplified by Octavia’s incident.

As Octavia’s account demonstrates, formal and informal institutional arrangements can be helpful to resolve disputes on unfairness, but they are not definitive. Without formal human resources policies and procedures, as well as informal steps initiated by other people within the organization, Octavia may have never succeeded in proving her case of unfairness. However, her success came only after she could galvanize the right people into action. When she initially raised her grievance, she was unable to persuade the judging audience for her case. Worse than that, she was further victimised with retaliation and social exclusion. In that respect, she had to face the negative consequences of voicing (Cortina and Magley, 2003; Maccoun, 2005; Burris, 2012) as well as abusive supervision (Tepper, 2007; Klaussner, 2014; Walter et al., 2015). Thus, at first the institutional arrangements did not work for her, while even further aggravating her situation. Octavia then managed to change her audience who was acting heuristically, which then altered the equation in Octavia’s favour.

Therefore, institutional arrangements, such as HR procedures, can be empowering for alleged victims only if they can find the right audience who can interpret the situation favourably and execute their institutional power accordingly. In Octavia’s case, she managed to activate the institutional arrangements to her favour only after she was able to persuade her new supervisor, whose feminist values were particularly helpful to offer support for Octavia’s case. When that new supervisor was involved, so that Octavia’s unfairness arguments were echoed by her, Octavia’s claim had earned the status of argumentum ad verecundiam (appeal to the reverence of the arguer), which increased the credibility of Octavia’s unfairness claim. In this respect, the personal charisma of Octavia’s new supervisor might have been crucial, as the involvement of her new supervisor sharply increased the persuasiveness of Octavia’s claim. In other
words, only after the balance of power changed, and only after someone who had a persuasive power in the eyes of others heard her call for help, was Octavia’s situation dramatically changed. In this respect, Octavia’s new supervisor’s persuasive power was the determining factor, as she was the one who was effective in persuading the officials of the organization for a new critical inquiry. Thus, without the presence of the political and persuasive power of a key actor and without finding the right audience who can interpret the situation favourably, resorting to well established formal procedures can be ineffective. From Octavia’s case, it can be observed that the appropriateness of the audience must have been more important than what was written in formal procedures. In this sense, decisions on what should be considered as unfair or legitimate depend upon whether one can persuade the audience to the adhered thesis.

Octavia was personally against the use of social relations as a determining factor for promotion decisions, as she had reacted negatively to the promotion of her rival who was ostensibly favoured because of her personal relationships. However, Octavia had to take advantage of her good social relations within her organization when she needed those relations to protect her rights. She implied that the benefits she had received from those good relationships were for proper purposes, such as protecting her from unfairness, but not to obtain unfair favours as her rival did. In this sense, in her account, the institutional order of family or friendship was carried to workplace distinctly depending on the circumstances (Cloutier and Langley, 2013; Nicholls and Huybrechts, 2016). Thus, while she was endorsing friendly or familial support for her case, she was strictly opposed to being victimised by such relationships in promotion decisions.

As appeared in Octavia’s case, what is considered as fair or unfair can be easily shaped differently when the power balances are altered by involving new actors. The success of unfairness claims seems to be susceptible to how they are argued rhetorically by the claimant as well as the nature of others’ rhetorical support, which can be vital within the deep political struggles boiling in organizations. In Octavia’s case, her unfairness claim could have signified the end of her employment. However, with the help of political support, she managed to save herself by utilizing the grievance procedures effectively, which did not work previously without the proper personal
rhetorical and political support of her new supervisor. In this sense, Octavia’s story shows that when interactional justice is violated by eristic hostile arguments, as exemplified by allegedly deceptive and slandering talks by Octavia’s manager, one needs political support to cope with the situation, not merely good procedures. A similar but much less complex configuration is also visible in Battista’s account, as presented next.

**Battista’s case**

Battista was a senior management consultant within a multinational engineering consultancy company based in the UK. To be a project manager, he had to accept an appointment to a construction project in Qatar, where he was promised to be promoted to the project manager title soon. In Qatar, he reported that he managed to fulfil all the objectives established for promotion. He suggested that HR reports were impressively suggesting a two-level advancement, not just one. However, he argued that while he was waiting for his promotion, his line manager was replaced by another manager who was against Battista’s promotion. As Battista reported, his new manager placed Battista’s promotion appointment on constant hold by manufacturing additional conditions for Battista’s promotion. Battista then consulted with the HR department and shared his resentment, but they could not help as they indicated his manager’s reservations. Battista was suspicious that his manager was prejudiced against people of Middle-Eastern origin, such as himself. Eventually, he received his promotion only after he was assigned to a new line manager.

Battista employed a quasi-logical argument for his unfairness claim by indicating a contradiction between his situation and the promise from his former manager. He also built an argument based on the structure of reality he observed as he indicated an unfair coexistence of managerial change and denial of his promotion. However, as he struggled to make sense of his new manager’s denial of his promotion, he also established a new reality by implying the existence of racial discrimination through drawing on his own manager’s promotion story. Below are related excerpts from his account.
Battista: (1) I undertook and successfully passed through all required assessments and promotion tests required by the HR system. My results matched a grade higher than the one I was running for, as well as the role and responsibility criteria. However, my new manager showed no interest to look into these with a critical eye, neither provided reasons for putting my promotion on-hold. Bearing in mind that I was only looking for a one grade promotion, not two as the report suggested.

Battista: (2) Maybe I should add that he himself took an exceptional two grade promotion with the help of some senior executives a few months earlier to help him be the business unit head in an unusual event. Personally, and what is well known throughout the business unit to date, that was due to his good connection with a specific director who had bias towards same nationals.

In contrast, the manager who denied Battista’s promotion built an argument to establish another structure of reality by arguing for a model of an employee who deserved promotion, unlike Battista, as new conditions were stipulated by him. Below are related excerpts from his accounts.

Battista: Seeing the line-manager getting exceptions while creating unrealistic excuses, that reached to lying, to hinder my promotion defeats the standardized corporate promotion process. Additionally, in my opinion not having the manager monitored through the HR process.

Battista’s starting point was his factual observation that a promise was not kept. In that respect, he drew on the value of keeping promises. He also appealed to presumptions of racial discrimination as another basis for his unfairness claim. In contrast, his accused manager drew on the loci of quantity to stipulate new quantitative increases in Battista’s competences as new conditions for Battista’s promotion. However, those new stipulations were revoked once his manager was again replaced. In Battista’s case, he has a strong accusation of deceptive managerial talks, which again hints at a breach of interactional justice. Crucially, it can be observed in Battista’s case that the application of procedures can vary based on the subjective interpretation of managerial authority. Thus, expecting organizational justice by impersonal procedures.
seems to be highly elusive in Battista’s situation, as he only managed to resolve his problem when he had the ‘right person’ as the managerial authority.

**Discussion of the analysed cases**

In Battista’s incident, he did not file a grievance and engage in a political battle as in the case of Octavia. However, similar to Octavia, Battista was able to obtain his promotion only after his actual audience was changed, i.e., after being assigned to a new line manager whom he was able to persuade. The personal values and value hierarchies of his latest manager, unlike his previous new line manager, must have been better suited to be persuaded by Battista. The institutional order was the same as before and the only change was the person who was responsible for the decision. There was likewise no change in the apparent rules of promotion.

As particularly visible in Octavia’s case, fairness and justice can become a part of a political game in which building coalitions and finding sponsors to one’s cause becomes critical, rather than the substance of official and unofficial institutional arrangements such as HR procedures. In this respect, an ethical problem can become a matter of political and rhetorical strife within organizations, especially when there is a disagreement on which rule is applicable to the issue at hand, which results should be pursued and how facts should be categorized (Perelman and Olbrechts-Tyteca, 1969). More importantly, when disputes become more similar to eristic debates than to heuristic dialogues, the political power can be crucial, rather than the rational power of arguments and a reliance on procedures or other institutional norms. In this respect, it is not surprising that political skills have decisive impacts on the career progression possibilities of employees (Ferris et al., 2007; Andrews, Kacmar and Harris, 2009; Todd et al., 2009; Liu et al., 2014; Kimura, 2015). Similarly, the outcome of a career advancement dispute can depend on the political skills of the disputants or their circles that can extend their political power. The activation of institutional arrangements can likewise depend on the political support available. Perhaps disputants should not resort to procedures or institutional norms to challenge managerial decisions when they lack such political support for their cases.
The cases of Octavia and Battista indicate the unpredictable and personal nature of promotion decisions, as those decisions are likely to be a matter of whether the responsible manager is persuaded or not, rather than what formal HR procedures dictate. This situation is in sharp contrast with expected procedural justice norms that envisage consistency and accuracy in decision making (Cropanzano et al., 2007; Bobocel and Gosse, 2015; Crawshaw et al., 2012; García-izquierdo et al., 2012). In Octavia’s and Battista’s cases, it can be observed that it was not possible to have accurate information to proceed with procedures in an undisputable way. Instead, parties had to argue for their cases rhetorically. It was also not possible to talk about consistency in organizational decisions, because both Octavia and Battista had to face volatile outcomes as soon as new actors were involved in their disputes.

The new actors were Octavia’s and Battista’s new audiences to their claims. With those new audiences, both Octavia’s and Battista’s arguments attained an increased rhetorical power without any substantial change in the content of their original arguments. The reason could be that the moral credibility of their arguments, i.e., their appeal to ethos, was much better in the interpretative eyes of their new audiences relative to their former audiences who tended to have hostile interpretations of the same arguments. In this respect, it can be claimed that their initial audiences had negative moral preconceptions against Octavia and Battista that impacted their reception of the arguments delivered by Octavia and Battista. The goodwill of the interpreter is required to obtain thorough cognitive attention to an argument, which can decrease mutual misunderstandings and increase the likelihood of persuasion (Perelman, 1963; Perelman and Olbrechts-Tyteca, 1969). However, the interpreter’s goodwill is likely to depend on the prestige and credibility of the speaker. In this regard, the moral credibility of a speaker seems to provide amenable conditions for an increased meeting of the minds between speakers and their audiences, which then increases the possibilities for persuasion (Perelman and Olbrechts-Tyteca, 1969). However, a loss of the meeting of the minds, which may stem from personal prejudices or commitment to different values, can hurt the effectiveness of the rhetorical process as can be observed in Octavia’s and Battista’s disputes with their initial audiences. By contrast, procedural justice studies usually imply that such communication dynamics can be eliminated or suppressed by robust procedures (Crawshaw, Van Dick and Brodbeck, 2012; Bobocel and Gosse, 2015).
2015; Rupp et al., 2017). Similarly, interactional justice studies imply that displayed courtesy, dignity and satisfactory information exchanges would be sufficient to assuage the fairness concerns of employees, while the interpretative aspects of communication are neglected (Greenberg, 2001; Bies, 2005; Collins and Mossholder, 2017; Rupp et al., 2017).

Additionally, a change in the nature of an audience can work as much as changing the audience. In this respect, without replacing the audience, the same audience can change its outlook on the issue at hand. Such a change could be to values, as individuals’ values may change. However, more importantly, it does not always have to be related to values. Simply a more critical inquiry would yield a more thoroughly rational assessment. As Perelman and Olbrechts-Tyteca eloquently stated, “a change in audience means a change in the appearance of the argumentation and, if the aim of argumentation is always to act effectively on minds, in order to make a judgement of its value we must not lose sight of the quality of minds which the argument has succeeded in convincing” (1969, p. 18). Thus, a high-quality argument in terms of its rationality will be unlikely to be appreciated by a low-quality interpretation that an audience makes of that argument. Similarly, as rhetoric is imperfect argumentation and interpretation is also the imperfect understanding of an argument, a higher quality interpretation will likely bring about a more rational judgement for a higher quality argument. Therefore, if an actual audience increases its cognitive attention to the arguments received, it is possible to change the perceptions in favour of a more rational interpretation closer to the standards of the universal audience. In this respect, even without a change in values or without replacing the audience, judgements can change simply by placing more cognitive attention on the issues at hand. Rhetoric is unlike apodictic (demonstration) or deductive reasoning, which both follow a clear line of reasoning. Rather, rhetorical argumentation is susceptible to a lack of precision in terms of how it is understood by the hearer of the argument. Therefore, argumentation requires a high level of interpretative effort to be effective.

For instance, in Octavia’s case, it may be that the second review panel did not espouse a different set of values than the previous panel that ruled unfavourably to
Octavia; rather, the change could be simply at the level of cognitive attention devoted to the file. Unlike the previous panel who quickly decided and absolved Octavia’s manager in two weeks, one can be convinced that the new panel must have assessed the issue in length during six months of inquiry. Hence, Octavia perhaps simply managed to elicit more cognitive attention to her case. Similarly, in Battista’s case, his latest manager who endorsed his promotion might have had similar values as his previous manager who denied his promotion. However, as the new manager was new in the position, he might have simply paid more rational and comprehensive cognitive attention to the matter at hand. Unfortunately, the practicalities of life can force us to use our cognitive attention economically. Therefore, it is not always possible to elicit a high level of attention from an audience. This should be taken into consideration when employing rhetoric for building unfair cases, and one should build his or her case based on the cognitive limitations of the actual audience.

Another important point is that these two cases testify that a change in audience means employment of different institutional logics for interpretation (Thornton, Ocasio and Lounsbury, 2012; Cloutier and Langley, 2013), as manifested by different loci of the preferable espoused by different audiences (Perelman and Olbrechts-Tyteca, 1969; Perelman, 1980), which overall led to different subjective judgements in the analysed cases. Thus, consistency, lack of bias, and accuracy of decisions, which are sought for procedural justice (Cropanzano, Bowen and Gilliland, 2007; Bobocel and Gosse, 2015), seem to be vain goals in practice. In this respect, career advancement decisions and their fairness judgements can be susceptible to the changing nature of interpretation adopted by different audiences. Thus, when no distinctive norm can clearly guide how to adjudicate conflicting claims, both the role of rhetorical communication as well as the subjective interpretation of the audience become crucial factors in shaping the outcome (Green, Babb and Alpaslan, 2008).

The role of rhetoric and organizational politics can lead to questioning the effectiveness of institutional arrangements, such as procedural rules and training programmes, designed to ensure meritocratic workplaces. In this respect, neo-institutional scholars demonstrated that implementation of grievance procedures
(Edelman, Uggen and Erlanger, 1999) and diversity management policies (Kelly and Dobbin, 1998) can often be symbolic responses to institutional pressures, rather than actual intents to create meritocratic workplaces. In addition, when organizations avowedly have meritocratic policies and procedures, they are unquestionably confident in the fairness of their systems and they tend to be paradoxically less meritorious (Castilla and Benard, 2010). Likewise, it should be noted that meritocratic institutional arrangements, such as in the form of established HR procedures, can allow unauthentic applications of meritocratic ideals when sophistry and eristic rhetoric prevail. Thus, robust procedures are unlikely to be sufficient to secure a fair workplace, considering the insincere applications of procedural precautions as well as the rhetorical complications involved.

Rules cannot be applied deductively unless they are both completely unambiguous and comprehensive, which can be highly impractical or unfeasible in practice. “That the judge can, or ought to, arrive at his decisions exclusively by a process of logical inference from explicit premises always has been and must be a fiction” (Hayek, 1973, pp. 116–117). However, this is normally not an obstacle for justice. “Logical deduction from a limited number of articulated premises always means following the 'letter' rather than the 'spirit' of the law” (Hayek, 1973, p. 117). Additionally, apparently following the letter of rules deductively, instead of considering their spirit, is tantamount to injustice (Perelman, 1963, 1980). Therefore, as opposed to applying rules by logical deduction, rules normally require interpretation for justice, which is likely to be followed by rhetorical arguments to negotiate different personal interpretations of the rules.

In such interpretations, institutional cues can have important impacts on stabilizing the decision-making process, as managers can rely on an institutionalised manner of thinking about career advancement. In a way, institutions can establish a ‘general sense of justice’ by providing unwritten rules that can address the ambiguities of organizational rules (Hayek, 1973). However, a possible disarray in the institutional structures of Western employment practices, which are recently extended to claims of ‘boundaryless careers’ by some scholars (Arthur, Khapova and Celeste, 2005;
Rodrigues and Guest, 2010; Inkson et al., 2012), can aggravate the situation as institutional cues for legitimate decisions are likely to be blurred. In such a context, office politics and power games supported by skilful and eristic use of language are likely to become key factors of success instead of measurable merits (Harris et al., 2007). Octavia’s and Battista’s cases testify the role of rhetoric and the fragile nature of organizational rules in these regards. In both cases, there were apparently solid bureaucratic rules and procedures that were, nonetheless, largely dependent on the agency of the authority figures who frustrated these two former employees.

4.3 To acquiesce or to resist?

“All real moral problems are created by conflicts of rules, and most frequently are problems caused by uncertainty about the relative importance of different rules” (Hayek, 1976, p. 24). From this perspective, value-based disagreements between managers and their subordinates can be due to their acceptance of disparate values or value hierarchies as was observed in the analysed cases throughout this chapter. The question is then whether the disputants are ready to negotiate their value-based judgements and engage in a heuristic discussion or whether the disputants can find other means to force their views on the other party when persuasion is not a possibility due to eristic attitudes. Answering these questions can determine whether an employee who is dissatisfied with the fairness of a managerial decision should acquiesce or resist.

Accounts of both the concerned employees and the HRM professionals indicate that raising unfairness complaints can mean becoming embroiled in a discursive contest with one’s superiors in which managers can be more interested in winning the argument than resolving the issue. When managers are to a large extent closed to problem-solving discussions with their subordinates, concerned employees should consider the repercussions of complaining about unfairness. For instance, as soon as concerned employees react to unfairness, their social relationships with their superiors can be severely deteriorated. In this regard, the participants’ accounts reveal that concerned employees in general chance that they can be mistreated when they react harshly to their
superiors. Unfairness reactions can then act as a self-fulfilling prophecy. The more employees voice their complaints with resentment, the more they may be treated in the same way that they are protesting. Approaching managers with a complaint is unlikely to work efficiently in such hostile conditions, especially when the institutional arrangements are reluctant to respond to the unfairness claims with proper care. For instance, as exemplified in the case of Octavia’s initial failed stages of complaining, the risk of malign consequences can be serious. In terms of considering how raising grievances can result in negative consequences, cited cautionary opinions of the HRM professionals are also informative.

As an implication of the empirical findings presented so far, one should consider whether it is best to acquiesce or resist a controversial promotion decision. In this sense, accepting the eristic nature of the communication brings about the necessity of a strategic decision on the part of concerned employees. In my sample group, accounts of both concerned employees and HRM professionals indicate that managers, with their inherently superior position in the hierarchy, have great advantages in a discursive battle. While the right to complain of unfairness is one of the institutionally enabled entitlements granted to subordinates, managers are institutionally empowered and better equipped to address those complaints as they are the legitimate authority by default. Nonetheless, it is hard to resist the psychological sacrosanct urge for justice (Lerner, 1980, 1997) and act prudently. The problem is that one can lose control and act without considering the consequences, as the Latin phrase ‘fiat iustitia, et pereat mundus’, meaning ‘let justice be done but the world perish’, expresses this possibility in a poetic manner (Perelman, 1980, p. 1). Similarly, the feeling of disgruntlement can overwhelm individuals such that they can struggle to express themselves appropriately and deteriorate their relationships with their superiors. Eventually, a dissent may even elicit management retaliation and abusive supervision (Tepper, 2007; Kassing, 2011), which was exemplified in Octavia’s case.

Any form of argumentation is an institutionally regulated right, as institutions often govern who is entitled to have a voice to argue in certain circumstances (Perelman, 1979). Similarly, there must be an institutionalized basis for an effective argument
(Green and Li, 2011; Hoefer and Green, 2016), such as for claiming unfairness as well as legitimacy. In this respect, institutional arrangements for justice and fairness should normally support an opportunity for concerned employees to talk to their superiors with respect to the managerial decisions that concern them. Listening to the other side, ‘audiatur et altera pars’ in Latin, is one of the universally recognized principles of justice (Perelman, 1980). Accordingly, to promote justice in the workplace, organizations can have ‘open door policies’ (Mccabe and Rabil, 2002) or other types of customs and formal voice mechanisms encouraging or enabling employees to voice their concerns (Budd and Colvin, 2014; Mowbray, Wilkinson and Tse, 2015). However, it is not difficult to be cynical about these institutional arrangements in light of the accounts of the research participants in this study. Managers can act as if they are open to a problem-solving debate with subordinates, while they can hypocritically engage in eristic dialogues in practice. Therefore, managers may neglect properly attending to what their subordinates claim as opposed to institutional expectations for justice. Both the accounts of the HRM professionals and the cases of the concerned employees indicate considerable possibilities for such inclinations.

Without being cynical about managerial intentions, the eristic and potentially antagonistic nature of unfairness dialogues is eventually linked to the fact that both parties inherently can have highly relativistic perspectives. While the disputants can legitimize and invoke different values to appeal to justice and fairness accordingly, they can disagree profoundly due to their profound value differences. Furthermore, managers can have concerns other than giving someone his or her appropriate due. In this respect, employees should perhaps attempt to understand the managerial decision not solely from the perspective of justice. Thus, based on a holistic evaluation, employees should be more concerned with whether they can win an argument than their feelings of indignation. From that perspective, personal assessments based on personal ethical norms and senses of moral rightness should be subordinated to the practicalities of the situation when deciding on whether to acquiesce or to resist.

On the other hand, employees can struggle to have a viable judgement of their workplace climate in terms of whether it is amiable for an argument with their superiors
(Wang and Hsieh, 2013). It is documented that employees often develop their own theories on when to voice and how to voice in their organizations, which may lead to misleading self-censorship (Detert and Edmondson, 2011). Another complication is that acquiescence as an option brings about other problems such as employee withdrawal and performance losses (Whiteside and Barclay, 2013), which are not different than the original outcomes of the unfairness perceptions. In this sense, unfairness perceptions can be destructive for employees either due to their unsuccessful resistance or due to their self-destructive acquiescence. If a concerned employee chooses to acquiesce in the controversial managerial decision and remain silent as a solution, he or she should consider whether the suffering is tolerable.

The only favourable outcome to both disputing parties is when the disputants manage to persuade each other after their communication. By persuasion, either subordinate employees can elicit adherence to their unfairness claims and achieve the desired improvement, or managers can persuade their subordinates to abandon their claims. The hazard I am indicating in this study is that managers can choose to legitimate their views as an abuse of their authority instead of engaging in a problem-solving discussion to resolve the issue. Thus, possible eristic motivations can spoil the resolution role of communication between concerned employees and their offending managers.

Disputant employees should also consider that the eristic motivations can be encouraged by an institutional structure that can both enable and constrain agency (Green and Li, 2011; Thornton, Ocasio and Lounsbury, 2012). For instance, customs and legal norms may not be conducive to reacting negatively against allegedly unfair career decisions. Furthermore, disputants also need to consider that institutional structures can host a variety of institutional logics that can be rhetorically deployed to support different values and value hierarchies (Seo and Creed, 2002; Green, Babb and Alpaslan, 2008; Cloutier and Langley, 2013). In this sense, it may be very difficult to enforce a personal view on the fairness of a career advancement decision against institutionally backed managerial legitimacy arguments. Furthermore, there can be an institutional entropy in career advancement arrangements as suggested in Chapter 2. Therefore, by considering all these institutional elements, a disputant employee should
judge whether he or she has a good chance of enforcing his or her fairness view when eristic attitudes are observed in the counter party.

When an eristic debate starts, one needs to be ready for a political struggle with the managerial party who may not be subdued without alliances, as in the case of Octavia’s story in the previous section. In all respects, as the content of argumentation may have a limited effect in an eristic talk, a disputant employee should consider whether it is a winnable battle. Otherwise, it is vain to dispute unfairness against a dogmatic manager as that may spoil the health of the employment relations. Of course, if there is an applicable legal rule, concerned employees can present their cases in courts. However, such a strategy can mean the end of the employment relationship. Furthermore, even if the concerned employee wins the legal dispute, he or she often has to settle with compensatory justice, which often involves penalty fees for employers; retaining the job will be challenging in such circumstances (Blanpain et al., 2007; Hardy and Butler, 2011).

4.4 Conclusions

In this chapter, it is possible to observe some indications of eristic talks within the analysed accounts of the concerned employees. The disputants in the analysed cases seem to be rather dogmatic in their contradictory views of reality, as they seem to fail to confer a thorough respect to the other party’s reality depictions. Managers were observed to be particularly forceful in their legitimation claims in this regard. The analysed incidents usually culminated with the managers’ legitimation of their controversial decisions by employing a distinct line of arguments (loci of preferable values). The managerial arguments were associated with certain values and value hierarchies contradicting with their concerned subordinates’ value choices. In this sense, the managers controversially drew on different institutional logics than what their employees believed.
The general views of the HRM professionals likewise support the possibility of eristic dialogues between employees and their managers when fairness is the issue. In this regard, accounts of the HRM professionals aptly illustrate possible unsympathetic antagonistic managerial attitudes towards unfairness accusations raised by their subordinates. As also documented by grievance and employee voicing literature (Cortina and Magley, 2003; Walker and Hamilton, 2011; Zaini et al., 2017), managers can be expected to display hostility against actions that challenge their decisions. By contrast, procedural justice research (García-Izquierdo, Moscoso and Ramos-Villagrasa, 2012; Bobocel and Gosse, 2015) emphasizes that employees usually desire to see organizational procedures allow correction mechanisms for decisions. However, the rhetorical difficulties of pursuing corrections to managerial decisions are neglected in justice research. As can be observed in the analysis presented in this chapter, possible eristic modes in managerial legitimation arguments, such as dogmatic views and hostility among interlocutors, can prevent the productive effects of grievance or other decision correction procedures in terms of ensuring fairness in the workplace.

On the other hand, a disagreement between a manager and his or her subordinate can be inevitable although initially both disputants might have heurist intentions. Despite all the good will to interpret the other party’s arguments openly, the rebuttal of counter arguments can be inevitable because of fundamental disagreements on the disputes’ starting points, i.e., the basic premises. As reported in the cases analysed in section 1, the mentioned managers denied the starting premises of the unfairness arguments by implicitly taking those premises as false, irrelevant or misrepresented. In this regard, the unfairness claims of these concerned employees might have lacked sound bases to initiate workable dialogues with their superiors. These fundamental disagreements might be stemming from irreconcilable value disparities between the parties, which might have led them to uncompromising interpretations of the controversial career advancement decisions. These value disparities can be observed, as the cited managers based their legitimacy claims on their distinct loci of preferable values. However, it is not possible to be conclusive about whether these managers used those disparate loci of preferable values for eristic or heuristic purposes.
In bilateral unfairness dialogues between the concerned employee and his or her manager, the only judging authority is the accused manager present in the dialogue. Thus, in such a situation, an accused manager can declare himself or herself as winner without persuading his or her concerned employee. However, changing the judging audience by involving third parties in the dispute or pushing for a change in the level of inquiry while retaining the same judging audience can make a radical difference to concerned employees’ chances of eliciting recognition of their unfairness theses. The involvement of third parties can be enlightening in this respect, as when third parties are involved they may persuade the initial authority to increase their level of inquiry or they may intervene to end the dispute with arbitration. Such an effect of change is particularly visible in Octavia’s case presented in section 2.

An important theoretical conclusion from this chapter is that when winning an argument is the predominant concern rather than resolution by mutual persuasion, the contents of the argumentation, i.e., the moral norms that are defended in unfairness claims, are not helpful. When interactional justice is violated by eristic attitudes, there is no other choice but resort to the use of political force, which is similar to the justice vs. violence dichotomy (Boltanski, 2012). Hayek (1976) also remarked in his criticism of socialism that an organized civil order produces distribution on the basis of political power rather than the economic value of individual merits. The empirical analysis in this chapter produces a similar conclusion. When persuasion becomes a forgone conclusion, disputants seem to seek social support for their cases within their organization by using impression management tactics to influence other people’s views and by using organizational politics to mobilize alliances for their cause.

In this respect, institutional norms of fairness and legitimacy seem to be complicated by who can persuade whom and who can command attention to their arguments accordingly. It is then no surprise that meritocratic value indoctrination programmes can paradoxically produce less meritocratic workplaces (Castilla and Benard, 2010), as such programmes simply ease the managers’ potency to legitimize their controversial decisions in a hypocritical way. The reason is that those programmes can create a false impression of an institutional environment, as if the organization was doing its best by
introducing meritocratic procedures or by adopting value-indoctrination training programmes to ensure meritocracy. Such meritocratic precautions can lead to a misleading confidence on the part of managers, while leaving the rules of the political game intact in the organization.

As was discussed in this chapter, an ethical judgement in an organization is mostly a matter of persuasion, politics and power, rather than a direct product of a rational, bureaucratic system. In this regard, it supports the view in Chapter 2 that procedural justice can be a type of mirage in an organizational order. In the analysed cases, it can also be observed that politics and personal choices were the reigning factors, rather than the objective execution of procedural rules. The opinions of cited HRM professionals likewise pronounced the importance of social ties and the power of connections (rather than procedures) as real protection against being victimised during promotion decisions.

The next chapter will further investigate possible eristic features of fairness disputes by scrutinizing the roles of poor managerial justifications as well as non-argumentation as a unique legitimation type.
Chapter 5: The roles of poor justifications and non-argumentations

In cases where winning an argument is the dominant concern, rather than searching for a resolution through mutual persuasion, parties can resort to apparently poor but institutionally acceptable justifications. What are referred to as poor justifications here are unconvincing arguments that can easily fail a rational scrutiny of their validity or arguments that appear to be inconsistent with the facts (whose factual status are nevertheless tentative as they are only assumed to be agreed upon facts). For instance, a manager can argue that an employee does not have sufficient qualifications for a promotion although other employees may be promoted with seemingly lower qualifications. An alternative to poor justifications is that the interlocutors can simply refuse to argue about the issue at hand, if maintaining silence is to their advantage. Silence and poor justifications can be employed to avoid confrontation or to suppress disgruntlements. Silence and poor justifications may have different impacts, but they can be commonly unpersuasive. Silence can induce a distinct feeling by the other party that there is indeed no good reason to support the contentious action questioned (Perelman and Olbrechts-Tyteca, 1969). As both legitimation by non-argumentation and poor justifications are not informative with their contents, concerned employees are likely to have a mystery to resolve in such cases. In contrast to silence and poor justifications, clear and thorough explanations prevent individuals from creating their own stories to resolve their mysteries, while those stories are likely to involve grim victimhood scenarios for their contentious circumstances (Shaw, Wild and Colquitt, 2003; Truxillo et al., 2009).

In these respects, legitimation by poor justifications and remaining silent by non-argumentation should be scrutinized as eristic elements of communication in the case of contentious promotion decisions. Accordingly, in this chapter, I will first investigate cases where poor justifications were employed to claim legitimacy for the controversial promotion decisions. In the second section of the chapter, I will examine cases where
managers opted for non-argumentation to imply legitimacy for their controversial managerial decisions.

5.1 Persuading the institutional gaze by poor justifications

There can be cases where managers hide the real reasons behind their controversial career advancement appointments (Bozionelos, 2005; Coughlan, 2005; Gotsis and Kortezi, 2010). In such cases, they may find it safe to create institutionally acceptable justifications, rather than expressing their possibly contentious reasons that can best explain their controversial decisions. With eristic motivations, creating institutionally endorsed justifications can be prioritized by a manager in such a scenario, while persuading the concerned employee can be sacrificed. It is not surprising that the received managerial justifications are unlikely to be convincing for the concerned employee in those circumstances.

Deborah (HR Adviser) likewise claimed that managers often have valid business reasons for their controversial career appointments. This can mean the employees’ senses of justice can clash with the business requirements. However, Deborah did not consider this possibility, but considered the issue to be a communication failure. Based on the structure of reality she observed in her experience, she argued that managers often fail to communicate their valid business reasons properly, which leads to misunderstandings by the concerned employees. Below is the related excerpt from her interview.

Deborah: It’s this difference between perception and reality, and that is why it’s very difficult for me to say, “Oh, yes, people are being treated unfairly.” Actually, many times, it might feel like they are, but the reality does not bear that out…Most of the confrontation and conflict comes from a lack of understanding and poor communication. People’s perceptions of unfair treatment are just perceptions many the time. When you strip it back, there have been valid business reasons for things. It has not been personal.
In contrast to what Deborah argued, managers may in fact deliberately opt to avoid proper communication with their concerned employees because of their concerns for legitimacy (Coughlan, 2005). Where legitimacy is concerned, it is better to consider a new type of audience, which I called institutional gaze in Chapter 2. When the influence of the institutional gaze is desired for eristic concerns rather than the actual corresponding audience, that imagined institutional gaze can establish the soundness of an argument required for gaining legitimacy. As Perelman and Olbrechts-Tyteca (1969) stated, the rhetorical soundness of an argument should be measured by its success in persuading the audience, instead of its formal validity. In this respect, an ostensibly rationally weak argument can be still useful if it presumably satisfied the institutional gaze.

In congruence with the conceptualization of institutional gaze as an implied authority, the concerned employees’ accounts are replete with arguments personally unpersuasive to the concerned employees, but still sufficient to grant legitimacy to the controversial managerial decisions. Those unpersuasive arguments, as judged by the concerned employees, are also often rationally poor justifications. In this regard, adherence to the institutional gaze seems to be prioritized over the pursuit of producing a logically more sound argument that may persuade the concerned employees. However, if the managers want to hide the real reasons behind their decisions, then it would be naïve to expect such sincerity. In this sense, violation of interactional justice and violation of distributive justice are directly related. Following are the accounts of Claudio, Fulvia and Marcus, which can be taken as relevant examples to further investigate the role of institutional gaze.

**Claudio’s case**

Claudio was the head of the contracts and compliance department of an international engineering conglomerate headquartered in Germany. At that time, he found himself in a corporate level reorganization. During that reorganization, his department was to be merged with the legal counselling department. Claudio had thought that he would be the new director of the newly formed division, as he argued that he was apparently much
more experienced and competent than the manager of the other merging department. However, the other manager was appointed instead of Claudio, who was outraged by the decision. Claudio asked for justification for the decision. His CEO told him that the other manager was a practising lawyer, unlike Claudio. However, as Claudio reported, although Claudio was never qualified as a practising lawyer in courts, he had two law degrees in addition to more relevant contract administration experience in that corporate environment. When Claudio insisted that he was qualified for the job, his CEO told him that it was an unfortunate decision that was taken above his level and with which he was unable to intervene.

Claudio’s unfairness claim was a quasi-logical argument based on his accusation that the promotion decision contradicted the institutional rules that were presumed to favour more senior and more qualified candidates (based on his experience) over those less senior and less qualified. His argument was only partly logical, as who should have been considered as qualified for the job was not of an undisputable logical necessity. That was indeed the source of disagreement. Below is the related excerpt from his account.

Claudio: They told me who I was going to be working for, and I said about three things. I said, “First, I’m senior to this person, I’m a grade above her. Second, I’m a general counsellor with a wide range of commercial experience, which she does not have, and third, I was not considered for the role”.

In contrast, Claudio’s CEO asserted for a different model of an employee who deserved promotion, but crucially without providing logical reasons for it. This new model of a promotable employee was supposed to be a practising lawyer, different from Claudio’s professional background. Thus, Claudio’s quasi-logical unfairness claim was annihilated by establishing a different reality than the one he presented. Below is the related excerpt from Claudio’s account.
Claudio: Person X, who was my CEO, said, “Yes, that is right, you were not considered for the role, because it’s on a corporate level, and all they have done is they have put the lawyers in charge of all the departments.” My CEO said essentially, “There is nothing I can do about it, it’s a decision that is been taken above my level.”

Claudio’s starting point in his unfairness argument was the loci of quantity, in which he prioritized the value of seniority and depth of competency over other possible criteria for promotion. In contrast, his CEO drew on the loci of quality, as he prioritized the quality of a professional background, rather than years of seniority and breadth of competences of a candidate. In that respect, the interlocutors clearly shared different value hierarchies, which led to their disagreement. However, the problem was that Claudio was not supplied with convincing reasons for why an active lawyer was more appropriate for the position than him. When he advocated for additional explanation, his CEO excused himself by arguing that the decision was taken even above his level. Thus, it is likely that Claudio was suspicious of favouritism under those conditions, since he was not provided with strong and convincing justifications. In this regard, it can be observed that persuading Claudio was unlikely to be his CEO’s goal; rather, his CEO’s response might have been configured only to prevent a potential condemnation from the institutional environment, i.e., to avoid the heat of the institutional gaze. For instance, the other candidate could have been favoured simply because he had been a close friend of an executive, which could be a persuasive response for Claudio. However, such sincerity was likely to be avoided as that might have harmed the company’s fairness reputation.

Fulvia’s case

Fulvia was a marketing coordinator for a large pharmaceutical company in Spain. Her company was at that time merged with a multinational pharmaceutical company that eventually owned majority shares of the newly formed company. After the merger, she repeatedly asked for a promotion. However, she was told that the financial difficulties associated with the merging process prevented any promotion decisions. However, she observed employees from the multinational firm continued to receive
their promotions, whereas she and her colleagues from the acquired domestic firm were overlooked for promotion. She noted that she did not file a grievance out of her fear of losing her job.

Fulvia’s unfairness claim was based on the structure of reality she observed as she identified a specific coexistence in that reality, namely, the coexistence of promotion decisions granted to a specific group of employees, while promotions were denied to another group of employees. Below is the related excerpt from her account.

Fulvia: They promoted people of the main company… For example, I was a marketing coordinator in the company I was working for but there was another marketing coordinator in the same position as me in the main company. Therefore, who got the promotion? This person. I did not get it.

As Fulvia was complaining about favourable treatment towards employees originating from the main company, her managers excused themselves by a quasilogical argument drawing on the company’s financial difficulties, according to what Fulvia reported during the interview. Below is the related excerpt from her account.

Fulvia: They told me that the company was not in a very good moment, the sales are not good, so there is no way to grow at this moment. However, we know about your effort and what you're doing, so we can make a raise in your salary. So that is what they did.

However, the managerial explanations cannot clearly explain why employees from the main company continued to receive promotions. A financial constraint should have had an impact on all employees, not just one group of employees. As Fulvia did not dare to question this inconsistency, there is not sufficient information to comment. However, her manager might have argued that those promoted candidates were exceptions. If her manager had implied such an exception, it would have been a dissociation argument, which could have perhaps been helpful to Fulvia in terms of her
understanding the issue. However, such a personally persuasive managerial response might have tarnished the reputation of the organization, and might have led to disgruntlement within the organization as others might have questioned why exceptions were always granted to a specific group of employees. Thus, winning by a possible hypocritical move could have been more preferable for the managers than honest and thorough explanations.

Fulvia’s starting point was her factual observation that one group of employees was promoted, whereas the other group was not. Fulvia drew on the value of equal treatment in her case. In contrast, the starting point of Fulvia’s manager was their value hierarchies in which financial constraints were prioritized over complaints of employees in relation to promotion opportunities. Again, it can be observed that differences in value hierarchies may seem to induce the disagreement. However, an unconvincing excuse caused Fulvia to presume the worst, i.e., favouritism towards a specific group of employees.

**Marcus’ case**

Marcus was an internal auditor at a multinational bank. He argued that he was enjoying very high performance scores with a significant amount of praise. He was boastful of his successes and the certifications he had attained throughout his career. However, there was a downsizing within his department and redundancies were announced. As he reported, he had to request a transfer into the marketing department within the same bank. His request was accepted and his department manager was very positive for his promotion to a higher role due to his seniority and former performance at the bank. However, soon after Marcus was transferred into his new department, the department manager was replaced with another manager. Marcus claimed that the incoming manager did not welcome his presence and alienated Marcus due to his different background in the bank. Marcus suggested that his incoming manager was very prejudiced against auditors. Eventually, the new manager rejected Marcus’ promotion request by claiming that Marcus’ skills and experience did not match those required for the advanced roles within the department.
Marcus had an unfairness argument based on the structure of reality he observed in which he indicated an unfair coexistence, namely, the denial of promotion for employees with a certain professional background. Below is the related excerpt from his account.

Marcus: This is an unusual thing, I guess. I was basically denied a promotion just because I came from auditing. I demonstrated some of my auditing skills. I mean it was just to offer something different to them, you know. However, my boss found it odd. He became unfriendly to me. He did not approve my promotion… I learned that he is hostile to auditors.

However, for his manager, the situation was different. His manager established a new structure of reality by using a model of an employee to define who deserved to be promoted, instead of a profile similar to that of Marcus. In this respect, the unfairness claim of Marcus was annulled by his manager, who rejected Marcus’ portrayal of reality by creating a new reality in which different experiences than what Marcus desired were to be rewarded.

Marcus: I did not dare ask my manager but I received an email from HR. They say in the email that he did not find my experience sufficient for higher positions. In addition, it was written I have to develop myself more…

Marcus drew on his long years of service and performance review scores as the bases of his starting points to claim that he deserved a promotion. Thus, he used the loci of quantity and ensuing value hierarchies, which give precedence to seniority and to the level of recognition. In contrast, his manager drew on the loci of quality, which dictates a distinct value hierarchy in which a certain quality of experiences is more important than years of seniority. In this respect, his manager downgraded the value of seniority, particularly gained within a department where specific marketing experiences were scant. However, the problem was that Marcus was not provided with a thorough explanation of why his experience was not found sufficient for higher positions, while
his previous department thought otherwise. This situation eventually led him to think that there was a strong prejudice against him.

**Discussion of the analysed cases**

In all three cases of Claudio, Fulvia and Marcus, there is a distinct pattern of alleged discrimination based on the background of the concerned employees. In Claudio’s case, he was deprived of promotion because the other candidate had a legal practice background that Claudio lacked, although he held a degree in law. In Fulvia’s case, there were two groups of people with different company backgrounds in which the employees from the acquired local company were allegedly discriminated against. In Marcus’ case, he argued that he was discriminated against because of his former role in the organization. These three cases demonstrate that there can be peculiar discriminations that are unlikely to be legally problematic, while still causing disturbances in organizations. In this regard, the discrimination on the basis of employees’ former background or experience is not explicitly banned by employment laws in the UK and Europe (Hardy and Butler, 2011). However, the analysed legitimation arguments in the cited cases remained controversial decisions, as the concerned employees were not persuaded from their points of view with satisfactory justifications.

The analysed legitimation arguments seemed to be mostly focused to persuade an implied audience, which I called the institutional gaze in Chapter 2, rather than the actual audience. As the participant accounts demonstrate, the managers were attempting to present institutionally acceptable arguments, not merely random justifications. In this sense, the managers, who were mentioned in the participants’ accounts, were likely to care about persuading the institutional gaze instead of the employees who are the actual audiences. While the managerial justifications appeared unpersuasive to the concerned employees, this nevertheless did not seem to upset the managers as reported in the participant accounts. In this respect, managerial legitimation arguments can be considered as a disguised form of direct ordering to subordinate employees by appearing as though the managers were engaging in reasoning with their offended
employees. It is in this sense that unconvincing excuses and poor justifications can be considered a means of hypocrisy of fairness (Fortin and Fellenz, 2008). Another possibility is to see such managerial actions as justifiable pragmatic, but hypocritical, actions to address daily managerial struggles (Foote, 2001; Brunsson, 2002). The institutional gaze has a distinct role in such actions in terms of impairing as well as securing the possibilities for interactional justice. This concern should be considered in combination with another appeal to the institutional gaze, i.e., legitimation by non-argumentation, which will be discussed next.

5.2 Silence as a quasi-logical legitimation

In the previously analysed cases, there were specific legitimation arguments made by superiors of the concerned employees to elicit legitimacy for their managerial decisions. In this sense, there were still possibilities for a conversation with the responsible actor for persuasion, be it a line manager, director or an HR official, although the conversations seemed to be unsuccessful in eventually reaching an agreement. However, there can also be cases where legitimacy is merely inferred by managers who refrain from providing any explicit justifications for their controversial promotion decisions to their subordinates.

Except for its possible inherent incivility, the silence of the managers is indeed no different than delivering poor legitimacy arguments that are unpersuasive to the offended subordinates. Silence is thus no different than unconvincing excuses and justifications in the sense that non-argumentation is primarily used to prevail upon the other party, rather than seeking a resolution by persuasion (Van Eemeren and Henkemans, 2017). In this regard, managerial silence may indicate an eristic mode of discussion on the part of the responsible manager. As can be observed in the previous section, instead of remaining silent, some institutionally acceptable justifications can be created to hide the genuine rationalities behind the managerial decisions as much as silence (Shaw, Wild and Colquitt, 2003). In this sense, managerial silence is another form of disregard for persuading the actual audience. Indeed, silence can raise
significant suspicion on the part of concerned employees. “Silence can have the same effect as a weak argument and make people think there are no good arguments” (Perelman and Olbrechts-Tyteca, 1969, p. 520).

On the other hand, in contrast to poor justifications, silence has an advantage for managers as it implies a quasi-logical argument (Perelman and Olbrechts-Tyteca, 1969) for managerial legitimacy, although it is not very helpful for persuading the concerned employees of the fairness of the controversial decision. As justification is only supposed to be required when there is a disputed or controversial claim (Perelman, 1979), a lack of explicit justification signals that the correctness of a decision is undisputable or self-evident, and therefore legitimate by default. It is in this sense that silence is an unexpressed standpoint to claim that the decision does not contradict the rules; therefore, the requirement of justification is denied. Such a strategy can also avoid a discussion of the application of procedural rules and possible allegations of hypocrisy (Brunsson, 2002; Batson, Collins and Powell, 2006). This is because the alternative to silence is providing justifications for a controversial managerial decision, which may then expose incompatibilities and personal preferences in applying rules to certain cases. “As a result, most speakers prefer to ignore an objection which they could counter only by a weak refutation” (Perelman and Olbrechts-Tyteca, 1969, p. 518). In this sense, a manager can have a hidden rationality behind his or her decision, which he or she tends to avoid discussing by remaining silent. Therefore, managerial silence is likely to be a preferred strategy to directly avoid the attention of the institutional gaze by not engaging in any form of argumentation. For instance, it would be naïve to expect openly racist or sexist managerial explanations, instead of silence, if racist and sexist attitudes were indeed the reasons, since such explanations are usually institutionally condemned, especially in Western countries.

There can also be benign reasons that can explain why managers would refrain from explicitly justifying their controversial promotion decisions. Silent managers might be firmly convinced that their justifications would not persuade their subordinates. Hence, managers who opted for non-argumentation might already be convinced of sharp differences in how they view reality differently than their subordinates. Likewise, such
managers might be sure about how their values and value hierarchies are sharply diverged. Alternatively, they might have convinced themselves that they do not need to express further justifications, especially when they think that the institutional gaze had already been persuaded by the appearances of the incidents. Another benign possibility is that non-argumentation can be preferred as a moral or religious principle, attempting to avoid personal conflicts as in the case of Quakers, who practice silence as a ritual in their meetings (Kavanagh and Brigham, 2017).

However, rejecting an argument by remaining silent can also mean that a person wants to signal his or her absolute authority by denying any possibility for that authority to be questioned (Perelman and Olbrechts-Tyteca, 1969). Managerial silence can be accompanied by formalities to convey this message. When processes are developed without further managerial explanation, the managerial standpoint can be expressed implicitly, rather than by explicit argumentation. For instance, the outcome of a formal bureaucratic process can be developed as a symbolic indication to inform the concerned employee that he or she is bound to a legitimate decision. Such a process is likely to dispense with the employee’s thoughts concerning the fairness of the decision; conversely, it would be a process to dictate the legitimacy of the managerial decision. Some of the interviewed HR professionals expressed such incidents in their accounts.

For instance, Eric (Executive Director) openly acknowledged that HR procedures can be exploited to create silent excuses for controversial promotion decisions. He built his argument based on the structure of reality he observed during his experiences. As his quote is presented below, he argued that processes are appropriate mechanisms to conceal the discretion of decision-making authorities.

Eric: Do not blame me, blame the process tends to be the excuse. You hear this all the time within organizations where they will say, “Well, that is just the way the process works so what am I supposed to do?” you know. Therefore, I think individuals use and businesses use process to excuse unfair behaviour.
Similarly, for Henry (HR Adviser), internal HR procedures can be abused to legitimize controversial managerial decisions and even laws can be circumvented with relative ease. As seen below, he built his arguments by associating his claims with the structure of reality he observed.

Henry: You can hide behind a good procedure and say “Well, we did all the right things”, but if, in fact, you were manipulating it, you’re almost untouchable really if you have got a good procedure in place. So I have seen that as well. (Laughter) Yes… I personally think there is more than enough law now. (Laughter) The problem is that you can pass all the laws you like, but clever, unscrupulous employers will find a way around them.

For both Henry and Eric, procedures can be easily executed without any explicit justification provided for the managerial decisions. These two HR professionals derived their arguments on the structure of reality they observed, in which they argue for act-consequence relationships. In this respect, their arguments have empirical weight. However, even without drawing on experience, it is possible to have some reasonable guesses. For instance, Fabian (HR Adviser) built a quasi-logical argument to express the difficulty of challenging legitimations when there is no explanation given to the offended employee. For Fabian, as his own words are presented below, silence has the advantage of offering a protective shield to the decision-making manager. However, he also maintained that managerial silence cannot exclude the possibility of legal discrimination claims.

Fabian: “Well, I did not get the job, and maybe someone was better before me,” in the absence of any proper feedback, the only option for you really is to embark on a legal route, if you can tie it in, if you think it’s connected with one or more protected characteristics. Other than that, then there is really not an awful lot anyone can do about it.

On the other hand, Benjamin (HR Adviser) talked about discrimination types that are not protected by laws. Based on the structure of reality he observed, he remarked that many types of discrimination are currently not illegal, or are very impractical to be
addressed by laws. Therefore, Benjamin argued that the legal route against a managerial silence to controversial managerial decisions is not a viable strategy in many cases.

Benjamin: There are loads of factors in there which are not protected. Obvious ones are things like size, shape, social class, attractiveness, hair colour, and which football club you support. There are all sorts of things which actually do affect people’s decisions in these things. (Laughter)

However, it can be preferred that such legally uncovered discriminations be executed silently, since the justifications behind those discriminations can remain culturally condemnable although they may not be illegal. In this sense, the mystery that comes with managerial silence is overall likely to be a safe option for managers to avoid institutional or legal charges against their culturally and institutionally condemnable actions. For instance, managers often promote certain employees and deny promotion to others simply because they personally like the promoted employees (Hogan, Chamorro-Premuzic and Kaiser, 2013). In such a case, remaining silent about personal predilections can be a safe option for managers to avoid scrutiny of their managerial decisions. The stories of Julia, Murcia and Edward below can be taken as the meaningful examples to further investigate the impacts of managerial silence in the case of a disputed promotion decision.

**Julia’s case**

Julia was one of the co-directors of a research and development division in a large software corporation in the USA. Julia was expecting a promotion to become a senior director. However, instead of her, the other co-director in her division was appointed as the new vice president. At the same time, one of the subordinate managers reporting to Julia had already been promoted to director of another division. In her case, everyone got promoted except for her. Therefore, Julia claimed that she should have been at least promoted to the senior director role. She based her request by arguing that her responsibilities had been doubled as she had become the single director of the division in addition to losing one of her senior managers. However, her request was rejected
without any excuse or explicit justification. Julia argued that although she was very successful, she was laid off as soon as her company announced redundancies due to another reorganization. Julia claimed that the new vice president perceived Julia as a threat because of her prior promotion request to the position he then held. Julia attributed her situation as sexist discrimination towards her and she thought that she was the victim of her success as a woman, similar to her female ex-boss who had been allegedly victimised as well.

Julia's unfairness argument was based on the structure of reality she observed as she presented how her responsibilities had increased after people from her department had been assigned to different departments. Julia reported to me that she attempted to ask for an explanation to make sense of why her promotion request was denied. However, her boss refrained from giving an explanation. Below is the related excerpt from her account.

Julia: I had asked my boss at the time why was not I being promoted to a senior director role, given that I was now going to be solely responsible for the 100-person organization? He said, “Well, that is just not something we're going to do right now.” I said, “Let me understand, you're doubling my responsibilities and at the same time, everyone else is getting promoted but I'm not getting promoted?” “It's just not something we're going to do right now”.

As she received no justification for the controversial managerial decision she faced, she attempted to find an explanation by self-contemplation. She reflected on the issue and accordingly she established a new structure of reality by an inductive generalization to make sense of her case as sexism. In her argument, she compared herself with the situation of her previous boss as she found some meaningful similarities. Below is the related excerpt from her account.

Julia: I think it was sexism. Only recently my company were looking at diversity and inclusion so I have been doing a lot of reading and investigation…My boss who was a vice president of engineering, very
successful woman, she was let go from her position because she was very successful... Therefore, she was laid off in March and I was laid off in June with no opportunity to move into different roles that he had open in his organization that he had in England, yet three months after I was let go, other directors the US were reassigned into new director roles within the US. Therefore, new roles could be created for other people in the organization but were not created for either my boss or myself.

_Murcia's case_

Murcia was a teacher in an adult teaching centre in the UK. She was about to apply for a newly announced vacancy for the lead tutor role after her long years of service. However, she remarked that a student complaint prevented her from applying for the announced role. Murcia argued that the incident had been deliberately taken to extremes and resulted in an unnecessary disciplinary inquiry against her by the department head. Murcia was accused of being cruel to the student as a result of the student complaint. However, in collaboration with her union, her organization dropped all the charges against her as they found no evidence to support those claims. Nonetheless, the disciplinary process was so lengthy that she could not apply for the posted position. She argued that the delay in the disciplinary process was a deliberate move to discriminate against her personally based on her economic class. She claimed that her accent was revealing her lower-class background, which had been preventing her from joining the influential cliques within the organization and which eventually became an obstacle for her promotion. She was also suspicious of ‘women envy’ as well as discrimination due to her role as a union representative. However, she was struggling to understand what she had done to deserve such mistreatment.

Murcia's unfairness argument was an association based on the structure of reality she observed. She emphasized that the long disciplinary investigation was unwarranted in that picture of reality. Below is the related excerpt from her account.

Murcia: About that time I was going to apply, I was waiting for the information to come out to apply, and my boss knew that. I ran into trouble. A student complained about me... Unfortunately, she shouted at
me in the classroom…They kept me waiting for ages for the disciplinary. It would have been impossible for me to apply for that job. I could not have done it.

As Murcia did not get an explanation from her managers, she attempted to make sense of her situation by self-deliberation. Accordingly, she perceived her situation as class discrimination, women envy, and a consequence of her exclusion from influential cliques in the organization. She built some quasi-logical associations to make sense of her situation, as presented below.

Murcia: I think it is quite an English thing, this. I am not from a posh family. I think my voice has a lot to do with it… I think, with that particular woman in charge, she had friends and cronies. Her daughter worked for her and her daughter’s friend worked for her. Her daughter’s friend was actually the assessor who sort of witnessed what had occurred and spoke up against me in the disciplinary… Perhaps it is also women envy… I was also a union official myself as well. I do not think they liked that. I think there was a lot of prejudice and discrimination going on.

Edward’s case

Edward was a team leader in a large factory when he repeatedly applied for a team manager role over the many years of his employment. However, Edward could not obtain the promotion after applying it for three different times, as he was eliminated during the job interview processes. He was suspicious of being informally blacklisted due to an occupational accident that he was involved in as a witness. His account of the occupational accident was disapproved by his director during the disciplinary proceedings at that time. However, Edward attributed his situation to more than one cause. He argued that the other major reason behind his blocked promotion could be related to his exclusion from a dominant clique in his organization. He claimed that the group had the power to influence major decisions. He indicated that those who were promoted or recruited were less skilful and less successful than him, but they were favoured by the dominant clique. However, he added that he was very happy with the company in every other aspect, so he did not leave until he retired.
Edward had two unfairness arguments. The first was that less experienced and less able candidates were promoted instead of him due to his involvement as a witness in an occupational accident. His second argument was that he was deprived of promotion opportunities because he was not a member of a certain clique in his organization. Both of his unfairness arguments were claims of association based on the structure of reality he observed. Below is the related excerpt from his account.

Edward: Because of an incident with one person, who was an Area Manager, and because I would not back down and allow him to lie about what went on, he poisoned it for every single job application I put in for…Someone got the job who’d got less experience, and I know it was a less able person… The unfortunate thing, and it probably applies to most companies, is that you will get a group of friends. They might play football together or it might be drinking buddies, and if those people are quite close or work quite closely together, it can become a little bit of clique, a little bit of a club, but they have got control of an area.

Edward argued that he had to be content with his own explanations as he stated that he did not obtain any feedback regarding his denied promotions. He was basically disqualified within the formal application processes without any tangible explanation of why he was failing repeatedly. Below is the related excerpt from his account.

Edward: I asked for feedback afterwards and I was promised they’d get back to me in a few days. I asked again and no-one came back to me. I never got feedback for that interview. It would have been about two years later that another vacancy came up. Again, I have applied. This time, I’d gone through the whole process again, and nothing.

**Discussion of the analysed cases**

In these three cases cited above, legitimations came merely in the form of outcomes of official promotion or disciplinary procedures while there was no further explanation regarding the managerial decisions that led to the allegedly unfair outcomes. In this sense, the legitimacy of the managerial decisions was signalled by the legitimacy of procedures, rather than by explicit justifications communicated to the concerned
employees. Hence, the legitimacy of managerial authority was imposed on the concerned employees, while the managerial rationality behind the promotion decisions was left unexpressed. However, cited concerned employees were not persuaded in the least, as they all strongly claimed that official procedures were not executed fairly, and therefore outcomes were unacceptable.

When the concerned employees did not have solid knowledge about why they would be treated unfairly, they inevitably faced a mystery because the managerial rationale behind the decisions was hidden. The vital question they were struggling to answer was why they were victimised as they claimed. That mystery can be paralyzing for the concerned employees, as they might have thought of conspiracies to make sense of their situation, as depicted more vividly in Murcia’s and Edward’s cases. However, Julia, Murcia and Edward all reported that they could only guess at reasons for their mistreatment. In Julia’s case, she attributed her victimisation as sexism, while she had vague support for her assertion. In this sense, she could only dispel the mystery by resorting to well-known discrimination types. She could be certainly right in her accusation, but her argument was mostly based on guessing. When both the concerned subordinate employee and the superior manager were of same gender or ethnicity, then the concerned employee looked for unusual types of discrimination to make sense of the situation. In this respect, Murcia’s story is illustrative, as she claimed the possibility of class discrimination and women-envy to dispel the mystery she faced. In Edward’s case, similarly there was no explicit justification for his repeated failures in the promotion interviews other than an implicit argument that he was simply not good enough. He therefore had to personally guess at the existence of cronyism and an informal blacklisting.

In all of the personal stories analysed in this chapter, persuading the institutional gaze was likely to be prioritized by managerial silence, as there was a lack of attentiveness to personal unfairness concerns. Therefore, it is likely that managerial legitimacy might have been sought at the expense of addressing personal frustrations. It is in this respect that legitimation by non-argumentation (silence) can become a political and pragmatic choice of managers to expediently target a certain audience, i.e., the
institutional gaze, at the expense of neglecting the actual audience, i.e., the concerned employees. This eristic behaviour can have important consequences for organizations, which will be elucidated in the next section.

5.3 Motivation trap due to incentive ambiguities

As was observed in all the analysed cases throughout this chapter, managers can address unfairness claims in a vague and disinterested way by not providing convincing justifications for their allegedly controversial decisions or by simply denying any argumentation. Managers may have good reasons for that strategy in addition to their eristic legitimacy concerns. For instance, managers may worry that their subordinates could lose their morale if they are honest about the reasons behind the offending managerial decision. Therefore, managers can simply have benign productivity interests in concealing their real thoughts. In this sense, managers may be attempting to avoid resentful moods in the office by avoiding open conversations with their subordinates as a means of managing justice perceptions strategically. After all, managers can predict the negative effects of justice perceptions on employee performance, and they can opt for pursuing a delicate managerial strategy to address those perceptions. The justice literature (Simons and Roberson, 2003; Cropanzano, Bowen and Gilliland, 2007; Greenberg, 2009; Colquitt and Zipay, 2015) likewise emphasizes the importance of managing organizational justice perceptions to avoid a decrease in employee performance.

However, such a managerial strategy, i.e., ignoring disgruntlements by weak explanations or by silence, can work to suppress resentments, rather than to resolve them. Individuals tend to justify the status quo, as the current establishment is likely to alleviate their existential and relational struggles (Jost, Banaji and Nosek, 2004). When the status quo threatens individuals' existential and relational positions, individuals can be in great need of proper explanations to justify the status quo. In this respect, a concerned employee’s desire for proper explanation is difficult to dismiss when he or she has an unfairness concern. Without a proper explanation, the long-term incentives
for working in the organization can become ambiguous, which can then discourage the concerned employee from performing well. Similarly, it has been documented that the loss of employee motivation can be inevitable when procedures are developed without a sufficient level of explanations and justifications (Shaw, Wild and Colquitt, 2003).

The situations of the participants who have been presented in this chapter support the conclusion that weak justifications can decrease employees’ rational incentives to work at their current jobs. For example, as presented below, Claudio reported that he left his company within six months of the alleged incident, although his company attempted to retain him with increased monetary rewards.

Claudio: I said, “I’m not going to accept this,” and headquarters accepted the position; they said, “It’s perfectly okay for you just to walk away, and we will pay you whatever we need to pay you to make that right”…After about six months I left the company, but immediately I just said, “I’m not doing the job any more”.

Similarly, Marcus reported that he had changed banks soon after he was allegedly unfairly denied a promotion. Fulvia likewise stated she began to seek a new job after she became concerned about her lack of promotion, although her company offered her a salary increase. In her case, a salary increase was sufficient to curb her desire to leave because of the longer term ambiguities in the overall incentives, which can be sensed from her argument presented below.

Fulvia: I just tried to accept it at that moment. However, also because after the second year, even though my salary got a raise, I started looking for a new job as well.

Murcia, on the other hand, described how her psychological health and her overall motivation to work were affected by her incident. In a state of agitation, Murcia seems to generalize the ambiguity of future incentives to every employment opportunity in organizations, not just the one where she had problems, as can be read below.
Murcia: Well, emotionally it has affected me. I saw a counsellor for quite a while…I do not think I could have talked about this two years ago without being in tears. Now I can… Well, it makes me think I do not want to work for an organization again. I would prefer to be self-employed actually, because I do not feel very trusting of management.

Only Edward reported that he continued to work in his company with the same level of enjoyment as before. He did not report any psychological concern. He was only lamenting the lack of financial gains he was deprived of because of his denied promotion. However, he stated that his company had firmly secured every other type of incentive for him. Therefore, in his case, the ambiguity of incentives associated with the lack of promotion might have been offset by other incentives that were secured. The related excerpt from his account is presented below.

Edward: I enjoyed my work…By and large, that company was really, really good… Excellent. Absolutely excellent… The ethos of the company is that they do, generally, try to look after their employees… Financially, I would think somewhere between £40,000 and £50,000 (his losses in total)…which is an awful lot of money. There is the personal displeasure of knowing that you have been screwed over…

It is no surprise that managerial lack of care for employee concerns can infuriate the offended subordinates, which may lead to unproductively resentful moods (Wang and Hsieh, 2013). However, ambiguities in the organizational incentives can be due to inadequate managerial justifications to controversial decisions, rather than a direct psychological reaction triggered by unjust managerial actions. Supporting this conclusion, it has been documented that employees can have decreased enthusiasm and decreased performance when they work for biased managers, even in the case where there is no controversial managerial decision against them (Glover, Pallais and Pariente, 2017). As Adams (1963) famously theorised, employees seek equity between their contributions and their returns. In such a calculation for equity, an ambiguity in future incentives can have an immediate impact, since employment would instantly become a riskier investment than before. Hence, the ambiguities of future returns that come with
improper explanations are likely to be the culprit for decreased employee performance, rather than the initial controversial managerial action that impacts current earnings.

There is a motivational trap for the concerned employee in this process, as the consequent decline in performance would deteriorate the validity of the employee’s initial request for promotion. When employees think that managerial explanations make incentives ambiguous, they can have a dilemma in terms of whether to continue work or to find another job. In that process marked by ambiguity, they may lose their desire to work in their current job and they may merely offer their labour in a half-hearted way due to the loss of trust, what Williamson (1985) called ‘perfunctory cooperation’. “Except where the political unit is created by conquest, people submit to authority not to enable it to do what it likes, but because they trust somebody to act in conformity with certain common conceptions of what is just” (Hayek, 1979, p. 33). In this respect, perceived injustice can eliminate trust and deteriorate employee motivation while negatively affecting employee performance (Aryee et al., 2015; Oh and Farh, 2017).

The malignant motivation and performance impacts of managerial non-argumentations or poor justifications in response to controversial managerial decisions should not be dismissed. A decline in employee performance due to poor justifications or managerial silence can reinforce the initial managerial legitimacy claim as though the denial of promotion was unquestionably a valid decision in the first place. As the subordinate’s latest performance scores can testify to a decline in employee performance in such a scenario, the initial legitimation argument attained by silence or weak explanations can then become a firmer reality. In other words, there can be a self-fulfilling motivation trap for employees who are complaining about their lack of promotion. This study prefers to capture this process by calling it a motivation trap, since concerned employees can be trapped by their own actions due to their fragile motivation levels that are difficult to sustain in the course of the actions described above. By motivation, this study is referring to employees’ enthusiasm as a force that can influence their performance. The crucial point is that it can become a trap for the concerned employee based on the resulting ambiguities in the incentives due to poor justifications or managerial silence.
For instance, in Julia’s case, she was laid off soon after she requested to be promoted. Julia argued that she was a promising executive in a large corporation at the time her promotion was denied. Although she attributed her final dismissal from the organization as an extension of the initial managerial discrimination that acted against her, it is likely the case that her decreased motivation and ensuing performance problems simplified the managerial decision, making her redundant. In other words, the ambiguities in the incentives, stemming from the lack of managerial explanation, might have eroded her motivation and her performance; therefore, that might have paved the way for her exit.

One of the HRM professionals, Carla (Career Coach), also pronounced distinct scenarios characterized by a lack of proper managerial justification for controversial promotion decisions in organizations. She shared her experiences by association arguments indicating how the lack of proper explanations for controversial promotion decisions can result in vicious circles for the concerned employees. As stated below, she indicated an employee who had seen his situation as a pernicious mystery, which eventually spoiled his motivation to perform well during the process.

Carla: Your cynical employee at 52 who is sitting there with a sour expression on his face being utterly miserable and making everyone else miserable around him, he did not start off like that. He came into work at 17, 21, whatever enthusiastic, hopeful, positive, ready to give it a go, ready to make a contribution; what occurred to him? I swear to you it's because people did not tell him what was going on…We had an individual who was a software developer, very good, had high energy, highly motivated, bounced out of the lift every morning going, "Morning folks!" He went for a promotion, he went for the job of team supervisor. When he first applied he did not get the post but that is okay because when you first go for a promotion you do not always get a promotion but sometimes you're registering interest, "I want to be promoted, I want to go on." All that kind of thing. He then went for a second one, did not get it, went for a third one, did not get it. At this point he came to me in HR and all his energy had gone, he was demotivated, low, he actually said to me and these are the words he said to me, "Carla it's a conspiracy." I went, "Shit." Because the bane of any working life are those that think there is a conspiracy going on. I'm looking at him going, "It's not a conspiracy." He had no information to explain why he hadn't been promoted.
Other than a lack of information, unsatisfactory explanations can have a similar impact on the concerned employees. In this respect, Carla mentioned another case below to indicate how weak explanations for denying promotions can deteriorate the performance of those employees.

Carla: He came to me and told me. Thank God he came to me and told me. I went to his manager, he had a new manager actually, I said, "We have got to tell him the real reason why he did not get promoted." His manager looked at me aghast and said, "No, oh really Carla do we have to?" I went, "We have to." Because we were in the process of turning a good man really bad, we were in the process of turning a highly energetic, energised person into your worst nightmare employee.

Interactional justice studies likewise indicate that employees are offended by the lack of quality of information they receive in the process of managerial decision making (Bies, 2005; Collins and Mossholder, 2017). For that reason, interactional justice research (Shaw, Wild and Colquitt, 2003; Bobocel and Zdaniuk, 2005) usually focuses on how unfairness perceptions are mitigated by the quality of the explanations. However, those studies usually neglect the broader performative role of the quality of the dialogues between managers and their concerned subordinates. In this respect, they tend to neglect the dynamic processes transpiring after the initial perception of unfairness. The motivation trap is a good example of a spiral process that can hide any managerial misuse of authority, since the performance outcomes of affected employees can justify the controversial managerial decisions in a self-fulfilling way. This processual approach can highlight the fact that communication has a wider impact than creating unfairness perceptions at a discrete time, which is usually not captured well by organizational justice literature, as can be attested by extensive literature reviews of organizational justice (Fortin, 2008; Colquitt et al., 2013; Colquitt and Zipay, 2015; Rupp et al., 2017) on the topic.
5.4 Conclusions

The concerned employees’ unfairness stories in the first section indicate that managers can win an argument not by persuading their concerned employees as an actual audience, but instead by persuading an implied audience, i.e., the institutional gaze. However, concerned employees likewise can use that implied audience to base their unfairness claims as they rely on the implicit power of the institutional gaze to pressure their managers. Thus, the presence of the institutional gaze empowers both parties for action. In this sense, both managers and their subordinates can be considered as appealing to the institutional logics (Harmon, Green and Goodnight, 2015; Hoefer and Green, 2016) through the institutional gaze as an implied audience, which both constrains and enables their actions. However, the problem is that the institutional gaze operates only crudely. Therefore, this gaze is susceptible to unconvincing poor justifications.

The institutional gaze is not an actual audience that can judge the case at hand with great attention and precision. It is merely an imagination in the mind of the speaker. It is potential, not actual, and it is composed of imagined institutional forces and influential actors as constructed under the influence of some relevant institutional norms and logics. When the conflict culminates with a grievance or it is presented to the court, the disputants’ presuppositions can be tested in practice. Nonetheless, not all unfairness conflicts are tested by formal grievances. Furthermore, raising formal grievances is also tainted with the challenges of persuasion, as was analysed in Octavia’s case in Chapter 4, section 2.

Another strategy to legitimize controversial career advancement decisions is for the managers to remain silent and deny argumentation with the complaining employees who demand explanations for the contentious decisions. As the analysed cases hinted, silence seems to be effective in suppressing possibilities of official complaints, while triggering the harshest discrimination scenarios. Silence can be a safe choice for the involved managers, but it can be equally destructive for employee motivation. Silence can be preferred by manager as it implies a quasi-logical argument that the managerial
decision requires no further justification and is therefore legitimate by default. However, as silence leaves the concerned employees with no explicit explanations, concerned employees may think of the worst possible scenarios of discrimination, despite the fact that they are unable to support their cases sufficiently. On the other hand, non-argumentations, as well as weak justifications, can make future incentives ambiguous for the concerned employee. Eventually, the concerned employee’s performance can decline to a degree where he or she no longer provides a performance that deserves a promotion. This situation can then legitimize the initial contentious denial of promotion in a self-fulfilling way.

Up to this point, Chapters 4 and 5 have investigated elements of communication that are suspected to be explicitly linked with eristic modes of discussion. However, the next chapter will focus on a specific argumentation scheme that can be used for both eristic and heuristic purposes.
Chapter 6: The role of dissociating unfairness from appearances

Assuming that the institutional gaze is powerful enough to enforce the standards of legitimate behaviour, albeit crudely and imperfectly, to deter people from engaging in dubious actions, different argumentation schemes can be deployed to legitimate a controversial managerial decision with eristic goals. In this respect, managers can avoid feeling the heat of the institutional gaze, not merely by remaining silent or providing unconvincingly poor justifications via association arguments, but they can also dissociate unfairness from the argued case. By dissociation, managers can conveniently draw a picture of reality different than what the concerned employees claim. Dissociation basically allows the presentation of conceptual distinctions to interpret appearances differently (Perelman and Olbrechts-Tyteca, 1969; Perelman, 1982). In the preceding chapters, this study focused on the managers’ association arguments as a means of warding off the institutional gaze. However, dissociation arguments can have distinct impacts in warding off the institutional gaze in comparison to association arguments. Thus, dissociation arguments will be my concern that will be the focus of this chapter.

The concern for justice over dissociation arguments in this chapter is whether managers arbitrarily use the power of argumentation to elicit pseudo-legitimacy for their decisions by eristic legitimations or whether they sincerely present their authoritative judgement on the legitimacy of their decisions and their actions are “within the range of permissible” (Hayek, 1976, p. 37). When there is no explicit rule to arbitrate a dispute, “solutions to open problems of justice are discovered, not arbitrarily decreed” (Hayek, 1976, p. 44). In this respect, heuristic argumentations, instead of eristic argumentations, are required to discover what is just and to resolve a dispute accordingly. Dissociation arguments will be analysed in this chapter from this perspective.
6.1 Legitimation by conceptual dissociations

Many of the interviewed HRM professionals argued that employees concerned with the fairness of their career advancements are not in an appropriate position to interpret their situations in a conceptually reliable way. This alleged disparity between managers and their subordinates is likely to be a natural consequence of informational asymmetries in organizations as well as opacity in organizational decision making (Lightfoot and Wisniewski, 2014). However, while many HRM professionals mentioned informational asymmetries, they also indicated interpretative misjudgements on the part of employees. For instance, according to Daisy (HR Director), employees’ unfairness claims can be groundless as they sometimes cannot see the entire picture, or in her words, ‘they do not know the full story’. She constructed her argument by drawing on an example that builds a specific structure of reality that supports her claim. As presented below, she advocated that employees can have judgemental naivety to make sense of their situations, because of their misleading perspective as well as insufficient information.

Daisy: I cannot say I have really come across situations that are unfair, but there are situations where employees perceive that they have been overlooked for whatever reason. Sometimes that is because they do not know the full story. So, I have had situations where someone has said to me, “I think I should have got that, I applied for that job and I did not get it, I think I should have had it.” I will say, “Well, why do you think that?” “Well, because I think I’m a better person than the person that got it.” “However, that is your opinion, where is the facts in that?” “Well, there are not any facts, I think I’m better than Fred and Fred got the job.”

Similarly, for Alvin (HR Manager), employees cannot see their situations properly because they lack proper understanding of the roles to which they want to be promoted. Alvin’s argument, as presented below, in a sense exemplifies that allegations of unfairness claims can be easily dissociated from the alleged cases by arguing that employees could be blamed for misinterpreting their situations.
Alvin: Quite often individuals do not see, you know they think, for example, I encounter this quite a lot where individuals think that they can do their manager’s job… Often you find that individuals perhaps have over-estimated their capabilities.

Donna explained some of the possible reasons for employee naivety by her quasi- logical argument supported by examples to establish a specific structure of reality. For Deborah, as her arguments are presented below, employees do not ask the right questions to assess their situations and therefore they wrongfully complain about their lack of promotion. Thus, from Deborah’s perspective, employees might be incapable of weighing their situations properly because they may not know to ask the right questions to interpret their situation appropriately.

Donna: Sometimes individuals do not know how to assess themselves and ask for things, and they see everything from a very personal perspective, and call situations unfair sometimes… for example, if an individual just comes to me when I’m HR and says, I have this title, I’m a Project Manager, I’m a Product Manager, for example, and this person’s a Product Manager as well, my colleague, but they are promoting this year; I’m not. You’re not fair. Therefore, this is absurd, I find. Because how many years have you had in this company? How many projects have you delivered on? How many relationships have you built?

Gillian (HR Adviser) likewise accused employees of having a myopic perspective of their circumstances when they complain about their lack of career progression. For Gillian, as presented below, employees are naïve to assume that they deserve a promotion simply because they perform their jobs well. From her perspective, employees’ unfairness claims should be approached with many questions, as employees can have unrealistic expectations for their promotions.

Gillian: There are lots of people who are very good at their job and can do the nuts and bolts of that job incredibly well, but they never look beyond that job. They do not look at how the people around them are contributing to the organization. They do not perhaps look at their own contribution to the strategy of the organization. They just do their job and
then expect to be promoted because they are very good at the job that they do.

For Benjamin (HR Adviser), employees can easily misconceive their contentious circumstances because employees can file spurious discrimination claims by misattributing their cases to typical discrimination types. As presented below, Benjamin built his argument by establishing a structure of reality with an example, which can be used to dissociate unfairness from a disputed incident.

Benjamin: Suppose you’re gay, for example, and you think your boss is not promoting you because you’re gay, once you have got that idea in your head, it can be quite easy to start finding evidence to support your case. If you come in one morning and say to your boss, “Oh, hi, there,” and he ignores you, you think, “Oh, yes, it’s because I’m gay.”

A similar cautionary approach to unfairness claims exists in the account of Charles (HR Manager), as he indicated the tentativeness of personal fairness perspectives by relying on his quasi-logical argument. However, personal unfairness perceptions can be relatively easily undermined when such a preconception is adopted as the default starting point to evaluate the investigated unfairness claims.

Charles: Just one thing you need to be careful of, if you’re an HR person, you cannot take everything like as correct or right from first angle.

Conversely, many of the employment advisers also acknowledged that managers, similar to their subordinates, can have misjudgements in relation to fairness controversies. However, they often associated managerial misjudgements with unconscious biases, rather than deliberate decisions. Their usual argument was that managers can be trained to be conscious of their biases. They argued that training can assist managers in healing their managerial capacity. In this sense, as exemplified in the
quotes below, they tend to recognize the existence of unconscious biases (Perry, Murphy and Dovidio, 2015), which seems to be an institutionalised recognition among employment professionals through training and consultancies, as the interview accounts indicated. This recognition could be particularly useful to raise awareness of abhorrent cases of discrimination. Nonetheless, such recognition is still unlikely to affect the roughness of the institutional gaze, which can only identify blatant discrimination cases. Moreover, the strategy of raising awareness relies on the good intentions of managers, in a way inviting them to see reality from different perspectives so that they can be persuaded to see their role in the discrimination. As stated in Chapter 2, training and value indoctrination programmes leave incentives for discrimination intact, as such interventions continue to rely on the managers’ compassion to change their behaviours.

Four different HR advisers talked about unconscious bias in a very similar way. It seems that training programmes at least successfully impacted their knowledge on the issue. Related excerpts from their accounts are presented below.

Eduardo: There is a big issue now around unconscious bias and we train many organizations around how people can avoid unconsciously biasing the decisions they make in recruitment, promotion and performance management. Often they do not realize that they are favouring somebody for underlying reasons.

Henry: We all suffer from unconscious bias - I can think of times myself when I’ve displayed it, you know? Hopefully not in a recruitment context but in everyday life, you make assumptions about people that are simply not true. So you need people who are trained to understand what unconscious bias means, and what it means to be fair – not just to want to do the right thing, but to be able to do the right thing.

Benjamin: There’s obviously also a big difference between conscious discrimination - in other words, people who are consciously bigoted - and subconscious bias, or unconscious bias, which is, I suspect, the biggest factor in most well-meaning organisations - the odd thing of people just selecting on the basis of what they are familiar with. They’re not deliberately discriminating.
Alvin: There’s still lots of evidence that suggests we make up our minds about whether we like people or not very quickly. So the bias, the unconscious bias, is still a big issue, it creeps in to recruitment and promotion and selection processes.

The concept of unconscious bias can also be used as an apologetic justification that can overshadow discussion of fairness issues. In this way, underscoring the possibility of unconscious bias can be unproductive. An inappropriate emphasis on unconscious bias can blur the strength of an unfairness claim and alter the ‘presence’ of the discussion, i.e., it can change the focus of attention in arguments where certain elements are emphasized as more relevant and worthwhile for the audience (Perelman and Olbrechts-Tyteca, 1969). In this respect, unconscious bias may reduce the issue to a consciousness problem that can obscure moral elements involved in unfairness arguments. Therefore, fairness discussions may lose their traditional meaning. This aspect is particularly visible in Daisy’s (HR Director) account as presented below.

HR Director: In my experience, I’ve never seen real unfairness, but what you probably do get is bias, because we’re all biased. It’s innate in a human being that we all have preferences; we all have opinions, and we all have biases built in, and a lot of those are really unconscious, as well.

While unconscious bias still allows the possibility of misconduct, a wholesale strict belief in fairness may cast doubt on the validity of any unfairness claims in case of a dispute. A wholesale belief in justice may mean the dismissal of any complaint for injustice. In this respect, unfairness claims can be correctly or wrongly associated with negative concepts such as greed or otherwise treated as trivial complaining by losers, since it is not viable to completely eliminate such possibilities in practice. Two of the relevant examples are quoted below in which Eric (Executive Director) and Henry (HR Adviser 8) built such quasi-logical associations.

Eric: So half the time I think complaints of fairness are nothing to do with fairness at all. They’re to do with I wanted to win…it’s couched in the sense of, “I don’t think the process was fair. I don’t think it was
transparent. I don’t think the judgements were right.” In effect it’s not that the person was saying, “It was unfair,” as just saying, “I’m unhappy I lost.” You have to dig enough to unearth that problem in the first place.

Henry: …sometimes when people say it’s unfair, what they’re saying is they didn’t like the decision. The decision may be perfectly fair or reasonable, but because they didn’t get selected, it’s human nature to try and pick a hole in the system.

Conversely, Leonardo (Legal expert) and Beatrice (HR manager) frankly shared their experiences, noting how their superiors in the past created a deliberate discrepancy between reality and appearance to legitimize their promotion decisions. These two HRM professionals’ reminiscences of procedural manipulations are surely noteworthy. However, what is more remarkable is how they associate and dissociate procedural manipulations differently. In Beatrice’s account, she conceived procedural manipulations as openly unfair, which reflects a conventional point of view. Whereas, Leonardo dissociates the procedural manipulations from unfairness; he posits that promotion decisions can be decided in advance while procedures can be simply followed to impress others. However, although he did not believe in the integrity of the processes, especially in private for-profit organizations, he displayed a great belief in a just world as he argued that promotion decisions are usually fair. In that sense, his argument is an example of how so-called procedural fairness can be disassociated from the fairness of the outcomes. His perspective also epitomizes the complexities regarding how ostensibly contentious managerial decisions can be dissociated from unfairness claims, in which all inconsistencies can be advocated by building different associations. The related quotes of these two HRM professionals are presented below.

Leonardo: From my experience – and I used to work in law firms before as a lawyer – usually the decision about who will get a job and whose career will progress is already decided in advance. You know who it will be; as a manager, you know who you want to progress and that’s what will happen… For example, an email will go to all staff, saying, ‘There’s this opportunity available,’ but, as I’ve experienced as a member of staff myself, an email was sent out, but I’d already been told I was having the job, even though everyone was told that they could apply for the job. That happened a few times… Even sometimes where I’ve had
interviews for jobs, I’d been told before I was going to be successful and I’d been told what the questions were. So, even though other candidates were interviewed, I was aware that I would get the job. Or sometimes I’ve been involved in interviews where we already know which person is going to get it, so whatever they say at the interview it doesn’t matter; you already know…. I find, in my experience, usually the decisions that have been made have been the correct decisions that someone’s career has advanced because there are good reasons for it – or someone’s career has not advanced, because there are good reasons for it – but what I find quite interesting is the different processes in different organisations.

Beatrice: I’d spent all of my time, 20 years of my career, building in a process that I thought actually was fair and reasonable and here was somebody coming in and doing exactly the opposite. I think those are the sorts of instances which can be common. You'll probably get in your research people saying that they felt that the decision to appoint into a particular job had been made before they were interviewed. That is quite obvious.

As another example of dissociating unfairness claims from appearances, Eric (Executive Director) frankly shared his opinions to present a new definition of discrimination in which the inherent unfairness of discrimination cases can be undermined with ease. In his account, he drew a rather unusual picture for the concept of discrimination, as though it was unavoidable. From his perspective, discriminating is to an extent an intrinsic part of being a manager. His quote is presented below.

Eric: We have to recognise there’s something in us as human beings which we discriminate. We discriminate socially. We discriminate in gender terms. We discriminate in ethnicity. We discriminate by income, by education, by background, and actually we’re designed to discriminate because one of the flip sides of discrimination is it allows us to innovate as well. We know a good idea from a bad idea. That’s discrimination. You know, we decide what to wear every day. That’s discrimination. Discrimination is a choice between alternatives…. Often one can explain why they haven’t been successful in a promotion, for example. Sometimes it’s really down to nothing other than a gut feel. So, you know, there’s almost always, in my experience, the situation where you’ve got two final candidates, who, if you look at them side by side, there’s a paper-thin difference between them. So what do you then do? Do you promote both of them or neither of them, you know? You have to discriminate, to go back to our definition of discrimination as a choice.
between alternatives. So you are now in the position of a judgement of Solomon of two apparently just about equal people one way and another, but you’ve only got one place.

From his executive perspective, Eric described fairness complaints in a rather unusual way. In his argument, he perceived complaints concerning unfair promotions as an unavoidable part of doing business and managing people. Hence, he implied that questioning the fairness of managerial decisions is rather absurd for the practicalities of business life. Eric’s argument is a quasi-logical argument in which fairness was described as something to be sacrificed for a more effective operation of the business world. The related excerpt from his account is presented below.

Eric: Pure fairness is about as likely as pure goodness. I’ve never met anybody who’s purely good. I know lots of people who think they’re trying to be, but other than the Dalai Lama or somebody, I doubt they exist. We can aspire to fairness and we can remove the obvious crude unfairness. I think what organisations tend to do is they codify a process and because the process is the process, it’s fair by definition…The usual objection is they feel the other person isn’t as well qualified, whatever that means, that they have less experience. So, for example, older people will always tend to assume that younger people have less relevant experience, and that’s not necessarily true. Gender comes into it. I had a fairly deliberate informal policy of promoting women into the senior positions in my firm and I would have men coming along, in fact one of my co-directors came along to me one day and said, “You realise half of these women are going to end up on maternity leave and then what are you going to do?” In other words, “Why are you doing this? It’s just going to cost us money and time,” and so on and so on...

On the other hand, in contrast to his rather self-repudiating definition of discrimination, Eric identified the ubiquity of unfair practices against women in the business world for top positions, which can be paradoxical to his former definition.

Eric: My direct experience, however, is it’s a highly personal, highly emotional and highly political process. It is often the case, particularly in senior positions, that, in my view, the wrong person gets the job and that person represents a political interest rather than a competence...99% of
the partners and senior partners are male, now that’s clearly unfair. It means that somewhere in the switch between professional staff and executive-level staff, women currently just die off in large numbers or there’s something about them that means they don’t get promoted.

Moreover, Eric contrastingly noted how he had fought to avoid the victimisation of one of his employees who was to be discriminated against due to her illness. Likewise, he had stated the ubiquity of procedural manipulations to disguise unfairness, which in a way contrasts with his repudiation of unfairness. In this respect, my impression is that he was not merely stating his personal norms when he was defining related concepts of fairness and discrimination; rather, he was identifying institutionalised normalities based on his observations, indicating an institutional platform in which practicality seem to undermine fairness, and treating it similar to a hollow concept. Thus, his account is similar to a warning or a piece of advice to a hypothetical employee who should avoid falling into the trap of alluding to fairness as he portrayed unfairness as unavoidable, as well as impractical to resist. Similar dismal portrayals of institutional realities are also present in two other HRM professionals’ accounts. For Carla (Career Coach) and Henry (HR Adviser), unfairness could be structurally inevitable as they built associations to support their claims accordingly. The relevant quotes from their accounts are presented below.

Carla: Now you've hit another thing of mine, fairness, oh shit fairness, bloody hell. Okay in the name of fairness we do structured interviews and competency based questions and we asses only on how people perform at interview. Well bingo, some people are brilliant at interview, some people are absolutely appalling at interview, the very system that we introduced in order to be fair is actually unfair.

Henry: I do believe that good promotion practice is down to good management and managers that seek to be fair rather than the letter of the law. Frankly, in Britain, it’s fairly easy to get around. It’s not difficult to get around discrimination law, it’s very easy, if you really want to and you’re unscrupulous. So just passing on more laws isn’t the answer.
All these quoted arguments of HR professionals demonstrate the diverse means of dissociating unfairness from an allegedly unfair career appointment and, as a result, how different interpretations can prevail.

The accounts of the concerned employees also support this view. The concerned employees’ accounts reflect a distinct pattern of dissociation arguments in the reported managerial legitimacy claims. Following is the usual scenario: Concerned employees’ claims start with some association arguments, often associations based on the structure of the reality observed, i.e., their interpretation of what they observe in connection to their conception of unfairness. Then, reacting managers annihilate the alleged associations by building a dissociation that brings a completely new interpretation to what was observed by the concerned employees. The accounts of Alexia, Valeria, Emma and Antonio can be taken as striking examples for demonstrating this situation.

Since disassociation is an argumentative scheme that can be used fairly or unfairly, I will comment on the possible likelihood of a violation of interactional justice in every analysed case. In contrast, in the previous chapters, silence, poor justifications, hostility, and changing audience were all actions to win an argument in some eristic way. However, disassociation is not an eristic element in itself; therefore, it should be treated differently.

Alexia’s case

Alexia was a teaching assistant and a PhD student at a Scandinavian university where PhD students were treated as members of the staff. As a woman from another European country, she was a minority in her department where the majority of the members were married men from Scandinavia. She had been lured by the tradition within her school that usually all successful PhD students were expected to obtain a lectureship position after their graduations. She stated that she was a very successful PhD student, as she finished her PhD in less time than the usual period, with an impactful thesis along with an impressive teaching record. However, her director denied
her for promotion to a lectureship role soon after her graduation. When Alexia asked for a justification, her director told her that there was a restructuring in the university and they had to eliminate jobs. She reacted by identifying a Scandinavian lady who at the same time just finished her PhD, albeit with some years of delay, but was obtaining a job in the department. Her director responded by arguing that the lady who was promoted to a lectureship position completed a PhD in one of the core teaching subjects the school needed, whereas Alexia’s modules could be optional. He also identified the contracting domestic market and he said that Alexia could find another international job elsewhere, while it could be very difficult for other people with settled families. Her director also told her that she was too shy to be a full-time lecturer at the university.

Alexia’s first unfairness claim was her accusation that her director broke an important tradition. That claim was a quasi-logical argument indicating a contradiction with the tradition. Her second unfairness claim was an argument based on the structure of reality she had observed in which she compared herself with another PhD graduate who was, unlike Alexia, a native of the country where the university is based. She claimed that her director unjustifiably treated her differently. Below is the related excerpt from her account.

Alexia: (1) So I thought that it was kind of unfair, because there were no like, there was a practice that once you finish the PhD, you can get a job if you perform well…I created courses, so I did everything that they asked. I was even the first one to finish the PhD in three years, so I got a surprise for that. My PhD got mentioned as one of the times PhDs that had an impact on society.

Alexia: (2) …then the person after me, she finished with a couple of years delay. And she got the job. And she was native of the country…

In response, her director first introduced financial constraints as a factor to identify an exceptional situation to interpret the observed reality differently. In this sense, her director did not essentially deny the tradition; however, he eliminated any possible
contradiction with the traditional rule by dissociating Alexia's case from the sphere of application of the same traditional rule by drawing on the exceptional circumstances. However, that was not sufficient to interpret the appearance radically differently, as there were other people hired as lecturers. Therefore, Alexia's director also introduced some quasi-logical definitions to make sense of the situation differently. Her director first categorized lecturing areas into core vs. optional areas, as if optional areas could be sacrificed. He then introduced another quasi-logical category: married locals who cannot be mobile vs. single foreigners who can be mobile. Finally, he introduced shyness as an obstacle, as if being social should have been a criterion for being a lecturer. Below are the related excerpts from Alexia's account of the managerial arguments against her.

Alexia (1). …the justification was that I was teaching optional courses. I am highly flexible mobile and they were doing restructuring of the university, so they had to cut jobs. And they could not open new positions.

Alexia (2) She was- okay, she was doing something that was studied, like courses like accounting. So it was- accounting was one of the areas of the Head of the Department, so accounting was a protected area. While xxx, where I was, was not a protected area.

Alexia: (3) And one of the justifications was that I am too shy to be a lecturer.

Alexia: (4) Well, as I perceived it was, yes, the locals were protected…and I got a bit pissed off, because there were some guys that were really nice, but because they had families there, they could not—because the argument with me was, “We are in a crisis, you’re international, you can find a job wherever you want.”

With the stated managerial arguments quoted above, Alexia’s director showed how he perceived reality as opposed to Alexia, which was an attempt to legitimize his
controversial managerial decision. The arguments invented by Alexia’s director took Alexia’s circumstance out of a certain category and treated it as a particular case (Billig, 1987). However, their disagreement stemmed from the fact that Alexia and her director assumed different value hierarchies in their arguments. Alexia emphasized the value of hard work and merit, whereas her director prioritized solidarity and charity among locals, even at the expense of discriminating against foreigners and breaking the tradition. Therefore, Alexia and her director reasoned for a different interpretation.

Alexia’s situation exemplifies the power of arguments in shaping the nature of the reality we perceive. As a matter of the interpretative function of rhetorical arguments, people can classify their observations into different categories. The use of rhetoric enables a similar counterforce to negate the claimed categorization with a different categorization. This rhetorical flexibility enables a constant possibility to challenge an observation, as in the case of unfairness arguments that can be negated by opposing conceptualizations. However, it is difficult to be cynical about this rhetorical flexibility in the case of Alexia, as her director’s account does not seem to involve eristic elements. Rather, it indicates sharp value differences between the disputants. While Alexia was asking for a reward according to her ability and performance, i.e., according to her merits as an individual, her director invoked communal values and the needs of ‘the commune’ rather than individual abilities.

Alexia’s situation was unfortunate, as she had chosen to study at that university and personally committed herself because of her expectation to be employed as a lecturer there after her graduation. However, her director had not personally promised her and therefore cannot be blamed for breaking a promise. Instead of a personal promise, Alexia relied on a tradition as an informal convention, which could still have an important weight. However, Alexia’s director provided justifications to assert the legitimacy of his decision in a seemingly heuristic way as an authority to finalize the dispute. In terms of distributive justice, the decision of Alexia’s director can be challenged by invoking normative views that are out of scope of this study. By contrast, in terms of interactional justice, it is very difficult to find a fault based on the framework of interactional justice advocated in Chapter 2, which indicates eristic
legitimation as a major breach of interactional justice. From a free-market point of view, if the market exchanges are not impeded by deceitful interactions or violence, individuals cannot be blamed for injustice (Hayek, 1973, 1976). In Alexia’s case, none of these concerns seem to exist. Nevertheless, from various moral perspectives, Alexia’s unfairness argument can have a significant moral weight as she depended on traditions to make her initial decisions, which can be accepted as a justifiable base for unfairness. However, acceptance of such moral perspectives depends on persuading the decision-making or judging authority to the moral perspective argued. In Alexia’s case, persuasion did not occur, despite having an apparently heuristic discussion.

Valeria’s case

Valeria was a financial controller in a multinational electronics corporation in the UK. She struggled to be promoted as she was a UK-born female of Sri Lankan origin. She observed the existence of an ‘old boys club’ that kept all promotion opportunities for themselves. She occasionally voiced her concerns about it to her director, but she did not observe any intervention. She then applied for a promotion opportunity that was formally announced, unlike many others that had been handled informally. However, she stated that she was even not offered an interview, and the job was given to someone else who was a friend of her director. As she reported, she was told that the other candidate was better suited for the job. When she was about to file a grievance for discrimination, she was offered a post in India based on an annoying assumption that she could culturally fit into that country easily because of her Asian ancestry. Valeria was outraged as she was a British citizen with no links to India. However, due to the lack of evidence for discrimination, she was advised not to proceed with a formal grievance.

Valeria built her arguments based on the structure of reality she had observed. In her arguments, she associated the appearance of reality with discrimination, in the form of racism and sexism, along with a claim of favouritism towards specific cliques within her organization. Below is the related excerpt from her account.
Valeria: …all the top jobs were held by men and they all had women reporting into them. It was disgusting…He thanked me for the email and then told me that the role had already been given to X, one of the boys of the boys club that my boss had created. I was gutted. He told me he had to tell me then as he was about to announce it. This guy was just out of practice and had joined the company 18 months before. He was also my boss's best friend...

In contrast, her managers attempted to dissociate the situation from Valeria’s accusations. For that reason, Valeria’s company offered her a promotion in India, instead of a position in the UK, to imply the existence of an equal opportunity for her. Her manager in that regard acted as if both promotion opportunities were equal to dissociate the accusation of unfairness from Valeria’s case. Below is the related excerpt from Valeria’s account.

Valeria: I went to HR, who said they had given him a bit of a slapped wrist but it wasn’t done intentionally. I then told them that as my role was at risk I would have to look elsewhere, they told me they didn’t want me to leave and they would find a role for me. I asked what kind of role, they said “we should be able to find something in India for you”…They told me I could use my language skills there. I asked them what language skills that would be… they said Indian language….I told them my parents are Sri-Lankan and that's why my skin is brown but actually I'm British. They went silent and then tried to justify by saying well maybe another country then.

The disagreement between Valeria and the HR officials seems to be the differences in their value hierarchies, which were manifested in their distinct conceptualizations of unfairness. For Valeria, personal relations should not be a criterion for promotion as a matter of equal opportunity for all employees. By contrast, her company seems to place a high premium on personal relationships and did not see it unfair. However, the problem was that Valeria was not persuaded by the managerial actions attempting to dissociate unfairness from appearance. Unlike Alexia’s case, it is difficult to dispel a possibility of violation of interactional justice in Valeria’s case.
Emma’s case

Emma was working for a state museum in Germany. She entered the organization in a temporary academic position. She then moved into a longer-term position in the museum, but she was downgraded to a secretarial level. She had a master’s degree in archaeology and several years of good academic experience; therefore, she expected to hold a title in line with her qualifications. Moreover, she stated that she was performing academic jobs similar to what she had done in her former position. Therefore, she resented her museum director because of her status and requested a promotion. In response, her director told her about financial difficulties and the tightness of government budgets. In addition, he challenged Emma’s request by claiming that her job was an administrative role essentially, not an academic role. Emma then reminded her manager that she performed academic tasks, that she would soon act as a curator for an exhibition and that her job had several other academic features. However, her manager neglected Emma’s assertions by responding that such tasks were just a portion of her job.

Emma’s unfairness claim was mainly a quasi-logical argument, as she presented allegedly logical inconsistencies between her academic level and her job title. Based on those inconsistencies, she claimed that the nature of her job deserved a higher title than she held. Below is the related excerpt from her account.

Emma: Obviously having already done a master’s in archaeology and having already had a few years of work experience, at that point I have already had four years of work experience. I expected to be on the academic level especially as it paid better, but also because it does make a difference whether you are a part of the academic group or just downgraded to a secretary. That four month job had been on an academic level and academic payment. Then I did this other job and that was downgraded to secretary. The work that I actually had to do was still very academic work.

Her director responded to Emma with a quasi-logical argument to indicate financial constraints as a seemingly logical reason that was preventing his approval of Emma’s
promotion request. However, Emma’s director also dissociated Emma’s job from the desired title by positioning the nature of Emma’s job in a distinct way from what was argued by Emma. Thus, Emma’s director drew on a conceptual distinction to support his rightness along with presenting financial excuses. Below is the related excerpt from Emma’s account.

Emma: They had two arguments. One argument was, “We don’t really have the money for it within these projects”…Well with the money I was like, “Yes, I do know that this is a problem, but that is not my problem”…The other defence was, “It is not really an academic job you are a loans administrator”… I was like, “Yes” But, unofficially, I knew that I would be co-curator for the exhibition and that is how I ended up, it was just never on paper…I knew it, I knew I would end up doing academic work and I did, I worked a lot… I knew that was bullshit and it was bullshit”.

The disagreement between Emma and her director was due to the differences in their value hierarchies, which led them to have different interpretations of the same situation. Emma drew on the loci of quality to focus on the quality of her education and the intrinsic quality of her job. In contrast, her director drew on the loci of quantity to indicate financial constraints, and to refer to the scarcity of duties in Emma’s position that deserved a higher title. In this regard, Emma’s manager denied Emma’s interpretation of the appearance without denying Emma’s observation. Her manager simply categorized Emma’s higher-level duties as though they were just a portion of her job, not something defining its totality. Thus, Emma’s manager disqualified Emma’s promotion request by portraying the essence of Emma’s job differently.

Antonio’s case

Antonio was a supervisor in a notably large security firm in the UK. At that time, there was an opportunity for the role of operations manager. Antonio had 14 years of experience as well as a relevant educational background. He stated that he had been looking forward to such a role for a long time, and his boss had previously promised him a promotion at the first opportunity. However, Antonio was not even invited to
interview for the job, as the new job was directly given to the corporate director’s 23-year-old son. He filed a grievance as a reaction. His HR director along with the Operations director invited him to a meeting where Antonio was told that the other candidate had the right experience, albeit of a short duration. Antonio expressed his frustration and told them that the procedures were blatantly bypassed as the new manager had two disciplinary warnings that (according to the procedures) should have prevented him from being promoted. The HR director told Antonio that the nature of the disciplinary warnings was not severe enough to avoid a promotion. The grievance case was closed immediately. Antonio felt that the meeting was just pretence of caring.

Antonio’s first unfairness argument was a quasi-logical claim that a promise should be kept under any circumstances. He subsequently built his other unfairness argument as an association based on the structure of reality in which he associated his case with nepotism and a violation of discipline and promotion procedures. Below are the related excerpts from his account.

Antonio: (1) The promise was, "When the opportunity comes, we will give you the opportunity to apply for the shift operation manager's job…When the opportunity came, the job actually got given, without an interview, to one of the corporate director's sons, who was only 23 years old. Fair enough, he'd done a degree in some sort of discipline. Fresh out of the college, walks straight into daddy's company and gets offered the job, which people like myself, who've been in the field for the last 13 years/14 years, they didn't get the opportunity to be even interviewed.

Antonio: (2) If it's experience and skill, this lad who's been given the job, he had two written warnings. I've never come across in my personal work experience with any company who'd give anybody two written warnings. Then if you got a written warning you don't get promotion.

However, his managers attempted to dissociate the concepts of nepotism and violation of procedures from the appearances Antonio emphasized. In this respect, his managers categorized the procedural violations as if they were insignificant in preventing the promotion. Furthermore, they tried to dissipate the charge of nepotism by
arguing that the chosen candidate had the right experience, without clearly supporting their ideas. Below is the related excerpt from Antonio’s account.

Antonio: They said his faults were not that serious... All they said was, "We apologise that we had made a promise, but it was the right person for the job." Well, that’s what they said. Yes. "He's got the right expertise." I raised the question, "Well, can you explain to me, what do you define or what do you class as the right experience?" There was no answer given to me.

Antonio’s situation attests to the frailty of organizational procedures, as was indicated in Chapter 2. One can question the outcomes of man-made procedural rules as they are not market outcomes emerged under the protection of laws; rather, they represent an agency (Hayek, 1973). An agency emerges not merely for creating procedures but also for their interpretation. As implementation of procedural rules can be open to a myriad of value-based interpretations by different agents (Perelman, 1963, 1980), procedures can be a source of disagreements, rather than being a tool for adjudication.

It can be claimed that the disagreements between Antonio and his managers stemmed from value disparities between the two parties, as they held different views on how to implement the procedures. Antonio seemed to value seniority and discipline more than the exact experience sought, if that indeed was the case. Antonio also did not appreciate the importance of the familiarity of a candidate that comes with kinship. In this respect, he perceived it as blatant nepotism. Thus, the value disparities brought about contrasting definitions of the concept of unfairness, which in turn led to different interpretations of the same reality that each party had observed. In Antonio’s case, the dissociation attempt can be linked to a violation of interactional justice, as the honesty of the explanations was suspicious.
Discussion of the analysed cases

In all four cases, dissociation strategies are visible in the managerial legitimation arguments. Overall, the broad dissociation strategy was inserting new definitions and criteria to classify the managerial decisions in a different way than they appeared to the concerned employees. The new definitions or inserted criteria usually operated to erode the foundation of the unfairness claims, as if the concerned employees’ accusations lacked substance or as if what were cited as unfair causes of managerial decisions should only be treated as pretexts of managerial decisions. Although the managers and their subordinates seemed to have partial agreements on the criteria for promotion decisions, the managers can prioritize their criteria. As an implication of this unsteady foundation, dissociations in managerial legitimacy arguments can be interpreted as accusations, as if the concerned employees should be blamed for seeing false images or were only capable of seeing a small fragment of reality. In this sense, the legitimations did not inherently deny the observations of the concerned employees, but positioned those observations as mere exceptions to be discounted or as artificial and inessential points. Hence, legitimation arguments functioned to make the concerned employees’ observations irrelevant, rather than essential, to judging the issue at hand.

Examine, for instance, Antonio's case. Nepotism charges were denied as if the observed family tie was a just pretext, not the real cause of the promotion, since availability of the right experience was cited as the real cause. The managerial party’s definition of ‘right experience’ was oblique, but it must certainly be different from Antonio’s definition as for Antonio, long service should have been the criterion. Similarly, the previous disciplinary charges of the chosen candidate were not denied as an observation by his superiors. However, those observations were devalued in terms of their severity; therefore, their meanings were changed.

In the analysed accounts of the concerned employees, the parties seem to disagree on their conceptions of truth based on their differences in values, value differences, and loci of values, i.e., their line of reasoning governing values and value hierarchies as manifested in institutional logics. In this respect, their value-based differences seem to
have triggered different institutional logics that culminated in different perceptions of the same reality observed. Overall, the accounts from the HRM professionals as well as the concerned employees’ incidents exemplify how reality can be argued differently than it appeared to the concerned employees, as all is contingent on which values are used as the lens to make sense of the situation differently.

The analysis presented in this chapter demonstrates that managerial explanations can be not simply to assuage fairness concerns but to dissipate them. This role of managerial dissociation arguments has not been studied within interactional justice research (Cropanzano, Prehar and Chen, 2002; Bies, 2005; Collins and Mossholder, 2017), which concentrates on how managerial explanations can alleviate unfairness perceptions. A dissociation legitimacy argument can have further managerial implications, which will be explored next.

6.2 Concealing inefficiencies and mediocrity by decoupling

The analysed concerned employees’ accusations were usually drawing on their presumption that they deserved a promotion because they could produce the best outcomes for their organizations. That presumption has an appeal to the economic rationality that if managers are interested in efficiency and productive outcomes, then they should assign each job to the best person. In this regard, the concerned employees shaped their arguments as a matter of rational choice for the organization. Such a presumption is fragile to relativism, as determining the best candidate can be subject to controversy and different judgements. In this regard, the concerned employees’ unfairness arguments are susceptible to a critical scrutiny in terms of their rightfulness in their claims as much as the managerial legitimation arguments. On the other hand, the majority of the analysed concerned employees had strong arguments that were ready to defend their claims in such a dispute. It is nonetheless not possible to have a conclusive judgement on their issues without knowing the validity of their unfairness and legitimacy arguments and without having a normative benchmark. However, both
the concerned employees’ arguments and the opinions of the HRM professionals provide sufficient clues to consider certain theoretical possibilities. Likewise, the managerial power of legitimation by dissociation, which is visible in the analysed arguments in this chapter, provides sufficient clues as well.

According to the unfairness arguments presented by the concerned employees, managers tended to select candidates who were perhaps minimally qualified for the job, but crucially not the best person available, based on the concerned employees’ reactions. The concerned employees reported that their managers were able to legitimize their decisions by dissociating their contentious decisions from unfairness, as was analysed in detail. However, managers normally can only dissociate their decisions from an accusation of unfairness up to the point where the real or predicted performance outcomes of the managers are not strikingly low. For instance, if a manager promotes a salesman who is too inept to make any sales, dissociation by legitimation is unlikely to be successful. In the end, the decision-making manager would undeniably suffer due to his or her decision when the appearance is self-evident and cannot be defended rhetorically. Therefore, the promoted staff member should at least perform at a mediocre level for legitimation by dissociation to function effectively. This means that managerial choices can be justified by conforming with the institutional legitimacy standards, such as qualifications and experience, as long as the chosen candidate is not strikingly underqualified or strikingly underperforming. Thus, argumentation by dissociation brings about the possibility of underperforming suboptimal outcomes at a level close to mediocrity, rather than meritocracy, which is the ideological basis of unfairness claims.

When articulating their accounts, the concerned employees in the sample group generally alluded to well-known criteria of merit for career advancement, such as seniority of experience, past performance, and educational requirements. They usually articulated that they were competent for promotion if those widely assumed competency criteria were considered. However, they argued that their competencies were neglected in favour of factors unrelated to business performance. In this regard, the concerned employees reacted to certain institutional logics of career advancement that are not
about merit. For example, they were often discontent with the institutional order of friendship or family being applied in the workplace. Likewise, they commonly complained about the dominance of certain cliques from which they were excluded. Those concerns suggest that managers can favour non-merit criteria at the expense of business performance, but not at a level below mediocre, because legitimation by dissociation is unlikely to be functional below a mediocre outcome.

This concern contrasts with neo-institutional theory’s explanations of decoupling. From the sociological institutional theory perspective, organizations are perceived to be decoupling from or loosely coupling themselves with institutionalized structures, as their conformance to those structures are largely ceremonial and symbolic, rather than authentic (Meyer and Rowan, 1977; Dick, 2015). According to the theory, decoupling organizational practices from the institutionalized versions is required to maintain organizational efficiency in the face of an organization’s unique challenges that are not addressed by the institutionally imposed forms. However, the concerned employees’ accounts do not support a conclusion that decoupling is merely for efficiency reasons or for the survival of the organization. Instead, decoupling can be practised as an abuse of managerial power that can culminate in mediocrity and decreased efficiency, rather than an increased efficiency aligned with meritocracy. Contrary to the expectations of efficiency gains generated by decoupling (Scott, 2001), organizations may instead decrease efficiency to a level of mediocrity without noticing that their ceremonious adoption of the institutional conventions are inauthentic. In this sense, managers can obscure the inefficiencies that come with practising non-meritocratic policies. This situation may certainly change when managers themselves are under a closer scrutiny than what the institutional gaze can offer as social pressure.

This situation can lead to questioning to what extent managers should be audited by superiors in an organization or who should be responsible for overseeing managerial actions. These are challenging and important questions on the limits of managerial authority, which can be addressed by corporate governance arrangements. They are important questions because managerial unfairness is not just the problem of getting the best out of employees, which is unfortunately the usual measurement concern of
organizational justice literature (Cropanzano, Bowen and Gilliland, 2007; Fortin, 2008; Rupp et al., 2017) but also getting the best out of management. Managerial legitimacy claims can have significant performance consequences for organizations, as much as unfairness perceptions of subordinate employees can have significant impacts on organizational outcomes. In this regard, the authoritative distinction between what should be considered as misleading managerial opinion vs. reliable managerial judgement deserves significant attention. Such a distinction requires a critical rhetorical awareness when contentious managerial decisions are scrutinized.

6.3 Conclusions

The analysis presented in this chapter has shown that managers are capable of conveniently relieving themselves from the pressure of the institutional gaze by building dissociation arguments, as exemplified in various forms in the analysed cases. The opinions of the HRM professionals have also exemplified possible distinct ways of interpreting contentious appearances that can be used to dissociate unfairness from the observed reality. When the observations are conceptually dissociated from unfairness, concerned employees’ unfairness claims become similar to an illusion or a false product of naivety. Thus, it can be concluded that managerial interpretations of appearances can challenge the reality perceptions of concerned employees, which can be used to undervalue the employee perspectives and legitimize the managerial decisions by dissociation.

The possibility of legitimation by dissociation can have important implications for corporate governance. This possibility raises the prospect of mediocrity in organizations, as legitimation by dissociation can be used to obscure managerial inefficiencies up to a level of mediocrity. As the institutional gaze operates only roughly, managers are in a good position to conceal the performance drawbacks associated with their promotion decisions, which they can legitimize by misrepresenting appearances with their interpretations of reality. However, below a mediocre outcome, managers are unlikely to have convincing arguments to change the reality perceptions
according to their wishes. In this regard, managers can foresee that a below mediocre result would attract the attention of others, bring about critical scrutiny, and eventually make them accountable. Managers’ imagination of the institutional gaze is likely to be shaped accordingly when they attempt to legitimize their arguments. This finding contrasts with the sociological institutional theory’s description of decoupling. Institutional theory proposes that organizational practices are decoupled from institutional standards as a means of increasing organizational efficiency and meeting unique organizational necessities that are not envisaged by a standard institutional structure. However, decoupling from institutional norms can also lead to a suboptimal outcome, which may not be noticed due to legitimation by dissociation until the outcome is obviously below mediocre. While the institutional norms of fairness can empower employees in the case of a dispute with their managers, the protection offered by institutional norms can be tainted by managerial dissociation arguments, as exemplified in the analysed cases of concerned employees.

Although the rhetorical framework advanced in this study lacks a normative benchmark to judge the fairness of distribution, it involves possibilities to assess interactional justice by concentrating on the eristic nature of arguments. However, dissociations can be used both for heuristic and eristic purposes. In terms of heuristic purposes, dissociation arguments can be considered as valid expressions of managerial explanations. After all, written organizational rules are unlikely to be comprehensive about the instructions of the managerial authority for specific cases. “What has been promulgated or announced beforehand will often be only a very imperfect formulation of principles which people can better honour in action than express in words” (Hayek, 1973, p. 118). Thus, when managerial actions are seemingly violating the communicated norms expressed in the organizational rules, managers can use dissociation arguments to exonerate themselves from any charges of hypocrisy or managerial malpractice. In this respect, the problem is not dissociation arguments per se, but their eristic use.

In some cases, it is relatively uncomplicated to eliminate the possibilities of eristic legitimations. For instance, in Alexia’s case, her director was very open about his views,
which largely eliminates the possibility of deceptive arguments. Thus, violation of interactional justice by eristic argumentation was highly unlikely in her case. However, Alexia’s situation could be an exception for a case of judgement of interactional justice. Likewise, as her employment relationship ended after the denial of promotion, her director might not have been tempted to use eristic legitimations, as he had no concerns for sustaining a relationship with his employee. For other analysed cases in this chapter, judging the quality of interactional justice requires further investigation. However, the overall analysis sufficiently hints that managerial legitimation claims by dissociation arguments are susceptible to misuse of managerial rhetoric that can attempt to conceal mediocratic inefficiencies.
Chapter 7: Conclusions

In this final chapter, the original contribution to knowledge offered by this PhD thesis will be highlighted. This will be accompanied by discussions on implications of this study along with ideas for further research. As the study is concluded, central points of the thesis will be emphasized in this chapter. To these ends, the first section will summarize the originality of the adopted research approach in terms of the theoretical novelties it offers. The second section will outline the answers to the research questions by summarizing the research findings of the empirical investigation. The third section will outline the importance and implications of research findings for managerial practice. The fourth section will present conceptual and methodological implications of this study for management scholarship. Final section will deal with limitations of this study and suggest further research to address those limitations.

7.1 Summary of research approach and its originality

This study has aimed to offer and empirically apply a new theoretical view for studying organizational justice. Adams’ (1963) equity theory long ago demonstrated why egalitarian, as well as disproportionate, income distribution among employees can be pernicious for employee performance and eventually for organizational outcomes. He indicated that employees have rational expectations for being rewarded in proportion to their contributions, which are compared with other employees’ input-output ratios in their organizations. In this respect, his theory shows that employees seek a balance between their inputs and outputs, relative to others in the organization. Adam’s equity theory solely concerns distributive justice within organizations; therefore, it does not inform why procedural justice can be unfeasible in organizations. By contrast, later studied developed frameworks and measurement tools for studying perceptions of procedural (Thibaut and Walker, 1975; Leventhal, 1980; Lind and Tyler, 1988; Bobocel and Gosse, 2015) and interactional justice (Bies and Moag, 1986; Colquitt, 2001; Bies, 2005) investigate whether these perceptions can assuage distributive justice reactions.
It has been argued in Chapter 2 that seeking procedural justice, based on the theoretical frameworks of Leventhal (1976, 1980) and Thibaut and Walker (Thibaut and Walker, 1978), is a mirage for organizations. Furthermore, it has been stated that interactional justice is currently insufficiently theorised. This study has drawn on Hayek’s (1973, 1979) distinction between organization and market orders as a basis of these arguments.

Hayek (1973, 1976, 1979) did not specifically theorize micro dynamics within organizations, as he had macroeconomic and political concerns. His goal was to advocate free-market economy as opposed to socialism and communism. However, Hayek (1976) specifically talked about the ubiquity of corporate people who distanced themselves from the principles of market mechanisms, which led them to forget the differences between a market order and an organizational order. Hayek (1976) argued that it is inappropriate to transfer distributive justice expectations within organizations to a spontaneously formed free market order in which procedural justice and rule of law can be the only issues that matter in relation to justice. This study has benefited from Hayek’s reasoning in an indirect manner, as it has been argued that it is similarly inappropriate to transfer the procedural justice expectations of markets into organizations. In this respect, this study has argued that an organizational order involves an inevitable exercise of managerial authority over other organizational members who offer their workforce economic returns. By contrast, a market order is a spontaneously formed system in which no managerial leadership is involved to instruct individuals or to determine outcomes. The spontaneous order functions while each individual pursues their own disparate goals under the protection of the institutionalized rule of law as enforced by the government. Thus, a free market order requires procedural justice for its smooth functioning and invalidates the idea of distributive justice, since market outcomes are not determined by an accountable agent. In a similar way, the nature of an organizational order repudiates the idea of procedural justice since it is not possible to eliminate the role of a managerial agency that can be held accountable for distributive justice.
Procedural justice relationships in an organization can only be limited by the legal obligations that are imposed on organizations. The domain that is not controlled by legal regulations, which can be called as the managerial domain, is nevertheless subject to distributive justice expectations, as shaped by individuals’ use of normative rules borrowed from a variety of institutions, such as family, religion, and friendship. To assess distributive justice and to make rational choices for their employment decisions, employees require interactional justice from their organizations. As employees are in a market exchange relationship with their organizations, they should be concerned about interactional justice to assess whether their relationships are free of deception.

In that interaction between subordinate employees and managers, intra-organizational procedural rules can be considered simply as managerial instructions, which are different than spontaneously formed rules of just conduct that can ensure procedural justice in a market order (Hayek, 1973). In this sense, rules of justice originate from the spontaneous order of the society and its institutions (Hayek, 1973), not from the mandates of individuals as is the case of organizational procedures. However, interactional justice is an issue to consider when applying organizational procedures, since unjustified violations of organizational procedures amount to a breach of interactional justice by hypocrisy. In this respect, while distributive justice cannot be governed by organizational procedures, the discussions of distributive justice can involve appeals to procedures. However, the crucial issue is whether such appeals to organizational procedures are justifiable and whether the distributive justice discussions are free from deception, sophistry and other types of eristic actions. Thus, the fairness quality of interactions is pivotal in terms of eliminating the possibilities of abuse of authority in the process of resolving fairness concerns.

To study interactional justice as a determinant of distributive justice arrangements, this study has drawn on Perelman’s (1963, 1980) justice theory and his collaborated work on argumentation theory referred to as the new rhetoric (Perelman and Olbrechts-Tyteca, 1969; Perelman, 1982). In that rhetorical framework, eristic argumentation denotes a major violation of interactional justice, as eristic actions make argumentation a futile and pretentious attempt. Unlike heuristic (problem-solving) dialogues, eristic
discussions (debating to win) involve interlocutors who are dogmatically and antagonistically defending their views to win the argument without a concern for persuading the counter party (Perelman and Olbrechts-Tyteca, 1969; Walton, 1998a, 1999). Eristic talks attempt to persuade the judging audience as a means of defeating the counter party, rather than engaging in a problem-solving discussion in an open-minded way. Managers adopting eristic modes of discussion would be eager to defend their legitimacy arguments to annihilate the unfairness arguments of their subordinates, rather than to address the unfairness arguments thoroughly without the misuse of authority; thus, ending the dispute unsatisfactorily. However, a managerial legitimation claim can only be respected as an exercise of managerial authority when premised on genuine reasoning. By contrast, eristic legitimation claims can only grant pseudo-legitimacy, connoting arbitrariness, pursuit of irrational goals and abuse of power (Perelman, 1963, 1980).

The unfairness arguments raised by the subordinate employees and the managerial legitimacy arguments that address those arguments are both operating in an institutional context. In the dialogues between managers and their concerned employees, the only actual judging audience is usually the managers who have the decision-making power. However, both managers and their concerned employees would imagine an institutional gaze as an implied judging authority, as was discussed in Chapter 2. The idea of the institutional gaze also relates to sources of both legitimacy and unfairness arguments. Both disputants, i.e., managers and their subordinates in a fairness talk, are bound to draw on various institutional logics (Green, Babb and Alpaslan, 2008; Thornton, Ocasio and Lounsbury, 2012; Cloutier and Langley, 2013) to build their arguments. Institutional logics are institutionalized lines of reasoning, similar to the loci of value preferences that are recognized in the argumentation theory of new rhetoric (Perelman and Olbrechts-Tyteca, 1969). In an institutional setting, speakers can appeal to different institutional logics to support their cases rhetorically (Thornton, Ocasio and Lounsbury, 2012). Due to considerations of institutional dynamics and recognition of institutionally embedded agencies for both managers and their concerned employees, the theoretical framework advocated in this study can be considered as an expansion of the rhetorical institutionalism approach (Green, Li and Nohria, 2009; Green and Li, 2011; Harmon, Green and Goodnight, 2015).
The theoretical framework advanced in this study is an institutional and rhetorical view developed by harmonizing Hayek’s (1976) and Perelman’s (1963, 1980) theories of justice. The overall aim of this theoretical approach is to assess the interactional justice of managerial legitimations when they are delivered in response to fairness concerns of subordinates. As a rhetorical investigation, its pioneering feature within organizational literature is that it employs Perelman and Olbrechts-Tyteca’s (1969) new rhetoric as an analytical tool to conduct a rhetorical investigation of managers’ legitimation claims developed in response to subordinates’ unfairness claims. To empirically apply the argumentation theory of new rhetoric, this study narrows its empirical focus to studying the legitimation of allegedly unfair career advancement decisions in organizations.

The theoretical novelty of this study has enabled an original empirical investigation on the fairness of career advancement decisions. In the management literature, fairness of career advancement decisions usually attracted the attention of scholars (Knights and Richards, 2003; Goldman et al., 2006; Ozbilgin et al., 2011; Drydakis, 2015) who studied the issue from a sociological point of view as a group-based discrimination or as a social equality problem. Another important line of research (Harris et al., 2007; Todd et al., 2009; Kimura, 2015) focused on the impact of political skills and psychological influence tactics on career outcomes from a psychological point of view. In contrast, this study has a different approach than those psychologically and sociologically oriented approaches, as it concentrates on the performative and economic consequences of argumentations from a rhetorical point of view. The empirical investigation of this study has addressed two sets of questions whose answered will be reviewed next.

7.2 Answers to the research questions

The results of the empirical analysis, which have been discussed in Chapters 4, 5 and 6, will be summarized below by research question.
1. Understanding the rhetorical processes: How can managers and their subordinates discursively legitimize their versions of fairness in career advancement decisions, and what are the rhetorical processes by which conceptions of fairness can be disputed?

The formal rationality of deductive reasoning is ineffective in resolving controversial moral issues in organizations, as moral concerns require value-based choices (Perelman, 1980; Brubaker, 2006). However, it is infeasible to expect harmonious uniformity of moral values in organizations, as modern societies are characterized by value plurality (Wagner-Tsukamoto, 2003, 2008). In these circumstances, agents in organizations have no choice but to resort to rhetoric to resolve their value-based disagreements. Albeit lacking the perfection of deductive reasoning, rhetorical use of language enables reasoning through argumentation. While practical reasoning in argumentation is indispensable for resolving justice conflicts, it is equally susceptible to misuses by eristic attitudes of the interlocutors (Perelman and Olbrechts-Tyteca, 1969; Perelman, 1980). The argumentation theory of new rhetoric (Perelman and Olbrechts-Tyteca, 1969) offers an analytical framework to investigate legitimation and unfairness claims from this perspective.

Analysed unfairness claims of employees usually involve value-based association arguments that employ several association techniques. When quasi-logical arguments are employed to build associations, employees indicate quasi-logical contradictions between their situations and other employees with similar circumstances in the organization. In this sense, unfairness arguments often involve quasi-logical comparisons with other employees, which support Adams’ (1963) equity theory. In addition to economic concerns, the concerned employees also indicated broken promises and contradictions with conventions as a part of their quasi-logical claims of unfairness.

When employees build their arguments of unfairness based on the structure of reality they observe, rather than by quasi-logical associations, they indicate the
existence of unfair associations in their observed reality. In this sense, they indicate act-consequence relationships that they deem as unfair. For instance, they refer to their performance, education and experience as acts that are incongruent with their career consequences. When employees face managerial silence to their concerns, employees resort to establishing a new structure of reality by using examples that are extrapolated to their cases. Therefore, instead of building associations from their observed reality, they tend to build a new reality when they face non-argumentation. Managers may deem non-argumentation as a safe action to imply legitimacy; however, it has been observed that managerial silence tends to precipitate serious discrimination claims on the part of concerned employees. However, it is observed that claimant employees are not in a good position to solidly support their discrimination accusations when they face managerial silence.

Managers are observed to legitimize their subordinates’ unfairness claims in three major ways: (1) When employees indicate unfair associations in their observed reality, managers are able to dismantle those reality claims by establishing a new structure of reality. For this purpose, their arguments often build a new model of an employee; a hypothetical profile of someone who deserves to be promoted instead of the complaining employee. (2) Managers can accept the observed reality claim, but they can dissociate it from the concept of unfairness, which in turn repudiates the interpretation of the concerned employee. (3) Managers can remain silent and quasi-logically imply their legitimacy by non-argumentation.

The disagreements between managers and their employees are observed to be stemming from both parties’ differences in their lines of reasoning (loci of preferable values), which draw on different institutional logics that prioritize disparate values. The disagreements are often not well-negotiated; rather, managers tend to impose their views. In this sense, the empirical findings from both fieldworks have indicated that employees, who think that their promotions are denied unfairly, are likely to face some rhetorical challenges in making their cases to their responsible managers. In this respect, managers tend to not welcome complaints from their subordinates with regard to the fairness of their managerial decisions. The unwelcoming managerial attitude can
manifest itself by a dogmatic stance that denies the consideration of the employee perspective, or it can even extend to hostility towards the concerned employee, especially when the complaints are formalized. In these respects, employees may have to face the possibility of eristic modes of discussions with their managers when they have unfairness concerns.

2. Understanding the impact of arguments: How can arguments be used to settle disputes on career advancement decisions? What can be the roles of eristic argumentation on the legitimation of contentious career advancement decisions? What can be the organizational consequences of violating interactional justice by eristic modes of talks?

When disagreements arise between managers and their subordinates, it is not possible to be conclusive regarding whether the disputes are settled in a heuristic or eristic way without a cross-investigation. Thus, to reach a decisive conclusion for the analysed unfairness cases in this study, further investigation is required beyond the accounts of employees concerned with unfair career advancement decisions. However, without being conclusive, it is possible to observe some eristic modes in the arguments.

When the disputes are escalated to formal grievances, disputants are observed to find themselves in undeniably eristic settings where defeating the other party is more dependent on the dynamics of organizational politics than the contents of the unfairness and legitimacy claims. Political skills and the support of coalitions can be required to elicit the necessary attention for the unfairness arguments. Such eristic contests create zero-sum games where one party wins and the other loses. In this respect, the destructiveness of the situation stems from the fact that it prevents the existence of mutually beneficial outcomes, which are feasible in heuristic discussions.

In the arguments analysed, some managers are observed to dismiss their subordinates’ unfairness claims by poor justifications that can evade scrutiny and
accountability because of those arguments’ supposedly general institutional acceptance. However, while they are ostensibly acceptable justifications, a closer examination of poor justifications reveals that they ignore points raised by the concerned employees, or they fail a test of rationality to assess their veracity. When managers instead resort to non-argumentation to quasi-logically imply that their decisions are unquestionably legitimate, they again increase their chances of evading scrutiny and accountability from their institutional environment. However, employees who face managerial silence to their concerns tend to assume the worst possible discrimination scenarios. On the other hand, when employees are provided with thorough explanations, they maintain their unfairness concerns when there are profound disagreements between the managerial and subordinate perspectives. However, such heuristic talks can resolve the issue, eliminate the ambiguity, and guide the disputants to act accordingly, although the concerned employee can remain unhappy about the outcome. By contrast, when managers’ eristic concerns dominate the dispute, raising unfairness arguments to them becomes futile, and they are likely to harm the career advancement possibilities of the concerned employee.

Poor managerial justifications as well as managerial silence against unfairness claims can have unique consequences. Both legitimation methods are likely to increase ambiguity in future incentives for the concerned employee. When incentives are blurred, the concerned employee’s motivation levels are impaired, which in turn decreases his or her job performance. The consequently decreased employee performance can then lead to an impression in the organization that the responsible manager was right in his or her initial judgement to deny a promotion for that employee. In this respect, managerial legitimation argument can create a self-fulfilling reality.

Managers can also justify and legitimize their decisions by dissociating the unfairness concept from the observed reality as highlighted by the concerned employee. Legitimation by dissociation is by itself not an eristic mode of argumentation. However, when dissociation arguments are used for eristic purposes in a hypocritical way by managers, they have the potential to disguise the mediocrity caused by the managerial decisions.
Usefulness of the research findings

The research findings of this study provide useful knowledge for organizational actors who might find themselves entangled in disputes concerning the fairness of career advancement appointments. Moreover, the theoretical structure of this study can be applicable to understand fairness disputes concerning other organizational issues as well. Thus, the research findings can be extrapolated to other types of fairness disputes with some consideration and further research. In all respects, the outcomes of this study can be beneficial to increase personal autonomy of organizational actors and bring about enlightened decision-making opportunities in their rational exchanges. From a Kantian perspective, personal autonomy can be defined as individuals’ “ability to decide for themselves how to live their own lives, according to their own desires and values” (Rachels and Rachels, 2004, p. 3). In this respect, instead of imposing a normative view on organizational actors concerning what they should consider to be fair outcomes, the present study has attempted to enable increased personal autonomy so that they have effective economic exchanges based on their own value preferences.

Overall, the research findings can be useful (1) for employees who have concerns about the fairness of their career progression; (2) for managers who are involved with the career progressions of their subordinates; (3) for academics and practitioners who can use the research outcomes in their pursuits of designing alternative organizational systems; and (4) for other stakeholders (e.g., policy makers, legislators, and shareholders) who have concerns over the nature of employment relations and the role of managerial relationships they govern.

7.3 Managerial implications and recommendations

This study has aimed to explore the eristic aspects of managerial legitimacy claims. The study has empirically focused on the legitimacy claims of managers who face unfairness claims from their subordinates in relation to career advancement decisions. Using managerial authority to legitimize controversial managerial decisions in an eristic
way can have organizational impacts as summarized in the previous section. In this respect, this study pronounces the importance of managerial legitimations relative to employees’ initial justice reactions.

The managerial implications of this study are in contrast with organizational justice literature’s usual suggestions. Justice research (Cohen-Charash and Spector, 2001; Cropanzano, Bowen and Gilliland, 2007; Colquitt et al., 2013; Rupp et al., 2017) recommends that managers should avoid causing their employees to form perceptions of unfairness, as those perceptions lead to various unwanted organizational outcomes, such as decreased performance and employee withdrawal. In contrast, this study conceives disagreements on the moral rightness of managerial decisions as an unavoidable part of the organizational order. Consequently, this study advocates shifting the attention on managerial responses towards unfairness claims, rather than to the employees’ initial justice reactions to contentious managerial decisions.

The research findings involve a number of implications for organizations. Significant problems associated with eristic managerial legitimations have been presented in this study as was summarized in the previous section. Governance mechanisms within organizations can be modified to alleviate the identified problems as a matter of monitoring the managerial actions effectively. Some more specific solutions can be suggested as follows: (1) The unfairness claims of employees should be processed more professionally by considering possible eristic moves of managers. For instance, argumentation analysis techniques can be used to assess claims. (2) It can be suggested that any denial of promotion opportunities be substantiated thoroughly in writing without any demand from the involved employee. (3) Training programmes can be organized to increase the awareness of employees and their managers regarding possible contentious circumstances and to establish the expectations for both parties. Likewise, people who are members of grievance panels can be trained to increase their knowledge of the complications of arguments. (4) From an argumentation point of view, abstract codes of ethics are unlikely to be useful for organizations, as those abstract principles are susceptible to different rhetorical interpretations of the managerial authority. Unlike a market order that can be operated by abstract result-
independent procedural rules, the rules of an organization are directive and distributive (Hayek, 1973). Therefore, organizational rules should be as concrete as possible to avoid disputes concerning what the organization dictates in terms of distributive justice.

When eristic attitudes prevent resolution by argumentation, disputants will need other means to resolve their issues than simply by interacting with their decision-making managers. For instance, disagreements between managers and their subordinates can sometimes culminate in eristic contests. As this study shows, organizational politics and impression management tactics fill the vacuum when mere argumentation becomes insufficient due to eristic attitudes. In such a political struggle, subordinate employees are in a disadvantageous position. In organizations, managers are usually the most well-connected people. Relative to lower-level employees, managers can especially be in a better position to have social ties with other managers, and more importantly with the top management. Therefore, if a contentious managerial decision inevitably precipitates an eristic situation, such as the case of a grievance investigation, managers are in a more advantageous position than their subordinates due to their social ties with other managers and top management. For this reason, organizations will it useful to help their lower-level employees socialize with managers and executives. In this way, subordinate employees will be empowered by new influential ties within the organization. For instance, exchange programmes can be arranged to allow employees to work temporarily for managers of other departments. Likewise, lower-level employees can be given opportunities to have occasional contact with top management. Another alternative is to build mentorship relationships between senior managers and lower-level employees. Labour unions can be perhaps suggested as a means of balancing the power of employees with their managers to avoid the opportunistic behaviour of managers (Wagner-Tsukamoto, 2003). However, labour unions can also be a source of discontent if the regulations enable them to abuse their power and distort the market mechanisms (Hayek, 1979, 1988).
7.4 Implications for further research

The theoretical and empirical findings of this study have implications for research in organization scholarship in general as well as organizational justice scholarship in particular. The methodological choices of this study also have implications for research in terms of opening new methodological possibilities within management and business research. Each of these implications will be explained as follows.

Implications for justice research

While both Hayek’s and Perelman’s theories are not new at all, their application to organizational justice research brings about novel implications summarized as follows: (1) Exploring employees’ naive procedural expectations without attending to managerial responses to unfairness claims is not conducive to impactful research that can improve fairness in organizations. (2) Interactional justice should be studied as a constituent of distributive justice.

The theoretical view advanced in this study suggests that employees ideally need to think according to the nature of organizations, and they should be aware of eristic attitudes of managers. Researchers need to take this situation into consideration accordingly. Otherwise, they risk of exposing employees’ unreflecting behavioural tendencies that are susceptible to be abused by managers. Thus, this study urges justice researchers to take the organizational and economic realities into their perspectives. The current situation of literature is concerning as managerial reactions to employee justice perceptions are not sufficiently taken into consideration by research. Further research can address this imbalance by attending to managers’ attitudes to employee justice perceptions and by discovering how managers can violate interactional justice norms propounded in this study.

Further research can also benefit from the exploring more about interactional justice. Distributive justice depends on subjective personal views and moral philosophy,
whereas interactional justice can be observed relatively more objectively as identifying violations of interactional justice is empirically feasible. Therefore, when interactional justice is studied as a constituent of distributive justice, researchers will be in a better position to transcend relativist disputes on distributive justice, and they can be more conclusive about recognizing injustice in organizations. With this perspective, antecedents and consequences of interactional injustice can be explored alongside retaining the descriptive focus on employees’ justice perceptions.

*Researching eristic argumentations*

Eristic argumentation has not been explored by management researchers before this present study. A deeper focus on eristic argumentation by future research can lead to new avenues. First, business ethics research can obviously benefit from exploring eristic arguments. Since eristic argumentation hurts efforts to resolve ethical controversies by reasoning and dialogue, further research can identify its impacts in more detail. Likewise, institutional investigations can be initiated to understand how institutional incentives and constrains are increasing or decreasing the prospects for resorting to eristic arguments by disputants. From an institutional point of view within organizational economics, eristic arguments can be studied to contribute our understanding of trust, cooperation and contracting among organizational members. Eristic arguments can also be potentially studied from a strategic point of view as a matter of understanding how eristic tactics and deceptions are executed in rivalries and how those actions determine the winner.

Studying eristic arguments is particularly important as it can reveal what is controversial in micro-level interactions, and how those interactions are entangled with organizational politics and conflicting interests. In this regard, research on eristic arguments can broaden our knowledge on organizational politics, which has been largely studied to discover political influence tactics and personal political skills from a psychological point of view (Ferris *et al.*, 2007; Harris *et al.*, 2007; Kimura, 2015). That psychological interest in organizational politics can be supplemented by an argumentative perspective that can take organizational and economic variables into
consideration. In this way, research on eristic arguments can shed fresh light on our understanding organizational politics from an argumentative perspective. Likewise, various organizational conflicts will be understood in a more comprehensive way if the use of eristic arguments are explored in greater depth. In this sense, studying eristic arguments can also contribute to conflict management literature. For instance the effectiveness of alternative dispute resolution methods like open-door policies, mediation and arbitration mechanisms (Currie et al., 2017), can be evaluated more effectively in the light of research on eristic arguments.

Methodological implications

As noted in section 3.6 of the methodology chapter, this present study exemplifies a novel qualitative analysis method that is distinct from discourse analysis methods such as critical discourse analysis, conversation analysis and discursive psychology. The argumentative analysis performed by applying the argumentation theory of new rhetoric (Perelman and Olbrechts-Tyteca, 1969) opens new possibilities for management researchers. While discourse analysis methods are often configured for poststructuralist or relativist research projects, new rhetoric offers a structured way of analysis that curbs relativist conclusions; recognizes real factor along with subjective value-based differences; and brings about discipline into the qualitative analysis.

In contrast to discourse analysis methods, new rhetoric does not allow for unbridled relativism as attested by its theoretical and philosophical stance explained in section 3.2 of the methodology chapter. The epistemological aim of new rhetoric is to promote reasoning as a means of finding solutions to the problems. Subjective value preferences are respected in the reasoning process but they are also distinguished from undisputable demonstrations as well as tentatively recognized real factors such as facts, truths and presumption. The crucial aspect of new rhetoric is that it does not exclude value-based preferences from reasoning processes. Furthermore, similar to the critical rationalism approach (Popper, 1972), new rhetoric recognizes the tentativeness of its conclusions when used as an analytical tool.
The analytical method used in this study can be used for variety of research topics other than ethically controversial managerial decisions in organizations. For instance, the proposed analytical framework can be applicable to study strategic decision making processes in organizations as well as to study corporate governance mechanisms, which will be useful to explore how divergent interests are negotiated within organizations. Indeed, any disharmonious relations within organizations can be subject to argumentative analysis proposed in this study. Likewise, the same argumentative analysis method can also be applied to organizational economics research that focuses on divergent self-interests among different organizational members and stakeholders.

7.5 Limitations

Several limitations of this study were described in the methodology chapter. However, it is worthwhile to summarize them here along with articulating ideas for further research to compensate the limitations of this research project in the future. In this study, it has been the goal to produce theoretical conclusions in the form of hypotheses. Therefore, its empirical validity for certain populations should be tested by further research. For this purpose, experimental or questionnaire designs can be developed to test some of the research findings. For instance, an experiment can be established within a hypothetical scenario to observe types of justifications for contentious decisions and to observe eristic attitudes. Another alternative can be designing a survey study to observe managerial as well as subordinate attitudes in relation to different fairness and legitimacy arguments. The comparison of results from several populations can also yield identification of unexpected variables that can have an impact on the quality of interactional justice relationships between managers and their subordinates.

Another limitation of this study has been the reliance on one-sided accounts of employees who claimed that their career advancement had been unfairly denied. A study that can involve interviews with the managers of such employees can be very enlightening. The managerial arguments expressed by managers themselves can be
compared with the concerned employees’ accounts that report the managerial responses they received. In this regard, a comparison of different interpretations by different organizational member can produce interesting results. Likewise, having the views of the HR department officials who are working for an organization that hosts the unfairness claims can yield interesting findings as well. However, access to those people can be challenging for the researchers. Perhaps the best access opportunity would be if a researcher can be involved in arbitration meetings or grievance hearings.

A theoretical limitation of this study stems from the challenges associated with diagnosing eristic modes of discussion. Further theoretical studies can expand on what eristic argumentation can involve in addition to the scope of this study. Likewise, new theoretical views can be developed to demarcate eristic arguments from heuristic arguments in distinct ways, which could be very helpful for future empirical research of the topic.

Several new concepts have been introduced in this study. For instance, it has been stated that there is a motivation trap for the concerned employees when their unfairness claims are not responded to by heuristic managerial approaches. The idea of a motivation trap can be tested with a longitudinal study in the future. Other research findings have indicated that managers can resort to dissociation arguments to disguise mediocrity. The relationship between mediocrity and the abuse of dissociation arguments can be further explored by case studies in the future as well. Overall, further research can expand on the theoretical and empirical findings of this study while reducing the stated limitations.
Appendix 1: Interview guide for the first field work

**Phase 1:** Interviewer’s introduction of himself and briefing about the study

**Phase 2:** Warm-up questions

Can you tell me about yourself and the job you had experienced or observed unfair promotion decisions?

Can you tell me about how you came to get to that job? Could you please tell me about the background?

**Phase 3:** Main questions

How did the unfair promotion decision incidence unfold? Could you please tell me what happened?

Why did you see this incidence as unfair?

What were the official stages involved in the process of getting a promotion in the company that the incidence occurred?

What did you think about the general promotion processes and decisions in this company?

What are implications of this unfairness incident for you? How did it affect you?

**Phase 4:** Closing questions

Are there any other points you would like to mention about the incident you explicated or about fairness of career management practices in general?

**Follow-up or Probing questions:**

Can you tell me a bit more about that?
Can you give a more detailed description?
Do you have further examples?
What do you mean?
Why do you say that?
Appendix 2: Interview guide for the second field work

**Phase 1:** Interviewer’s introduction of himself and briefing about the study

**Phase 2:** Warm-up questions

Can you tell me about yourself?

To what extent have you dealt within career advancement decisions of other people?

**Phase 3:** Main questions

What is your view on career advancement decisions in organisations? What does your experience tell on this issue?

How do you see fairness/justice approach when dealing with career decisions taken in organisations?

What do you think about what the main differences are between a good employee who deserves a promotion and the one who does not deserve?

If someone is unhappy with his or her advancement in an organisation, especially when an unfairness is perceived, what can you advise him/her?

**Phase 4:** Closing questions

Are there any other points you would like to mention about career management practices within organizations?

**Follow-up or Probing questions:**

Can you tell me a bit more about that?
Can you give a more detailed description?
Do you have further examples?
What do you mean?
Why do you say that?
PARTICIPANT INFORMATION SHEET

Title of study: Unfair Promotion Decisions

I would like to invite you to take part in a research study. Before you decide whether you would like to take part it is important that you understand why the research is being done and what it would involve for you. Please take time to read the following information carefully before you decide whether or not you wish to take part. You are welcome to discuss this project with others if you wish before you make your decision. You can always ask the researcher if there is anything not clear or if you require more information.

Purpose of the study: This study is part of a PhD research project concerning the promotion decisions which are perceived as unfair by the people involved in their past work experiences. The researcher is interested in learning the nature of those career decisions perceived as unfair.

Why have I been invited? Master’s and PhD students or former employees who think they had personal experiences of unfair promotion decisions in their prior workplaces are the target group for this research.

Do I have to take part? Participation in the project is voluntary, and you can choose not to participate in part or all of the project. You can withdraw at any stage of the project without being penalised or disadvantaged in any way. It is up to you to decide whether or not to take part. If you do decide to take part you will be asked to sign a consent form. If you decide to take part you are still free to withdraw at any time and without giving a reason.

What will happen if I take part? You are expected to take part in a semi-structured interview lasting 45-60 minutes at an agreed appropriate place or over the Internet through Skype (alternatively through e-mail correspondence). The researcher will ask you questions aimed to capture your experience of unfair promotion decisions as stated in the purpose of the study. The researcher will ask your permission to audio-record the interview through an external tape-recorder as to facilitate thorough data analysis.

What are the possible benefits of taking part? Whilst there are no immediate benefits for those people participating in the project, it is hoped that this work will benefit wider management practices around career management issues and can offer contribution to academic knowledge.

Will what I say in this study be kept confidential? All the information that is collected about you during the course of the research will be kept strictly confidential. You will not be able to be identified in any reports or publications, as all the participants will be completely anonymised in any output. Only the researcher and the two research supervisors will have access to data in unprocessed form where only the researcher will know the identity of the participant which will be kept confidential. The data will be archived anonymously and securely.

What should I do if I want to take part? You should notify the researcher and sign the consent form to enable your participation.
What will happen to the results of the research project? The results of the research project will be used for the PhD thesis as well as for ensuing publications in academic journals or conferences.

Who is organising/ funding the research? This research is under the supervision and ethical approval of University of Leicester as a part of self-funded PhD research project of Rasim Kurdoglu.

Contact for further information: PhD Researcher: Rasim Kurdoglu, rsk15@le.ac.uk
Research Project Supervisors: Dr. Sigmund Wagner-Tsukamoto, saw14@le.ac.uk and Dr.Charlotte Smith, cvls1@le.ac.uk

Thank you for taking the time to read this information sheet.
Appendix 4: Participant information sheet for the second fieldwork

PARTICIPANT INFORMATION SHEET

**Title of study:** Views on career management and fairness

I would like to invite you to take part in a research study. Before you decide whether you would like to take part it is important that you understand why the research is being done and what it would involve for you. Please take time to read the following information carefully before you decide whether or not you wish to take part. You are welcome to discuss this project with others if you wish before you make your decision. You can always ask the researcher if there is anything not clear or if you require more information.

**Purpose of the study:** This study is part of a PhD research project concerning the fairness of career management in organisations. The aim is to obtain views of different parties who might have had influence on career decisions taken in the organisations.

**Why have I been invited?** People who either built an expertise or potentially have a say in career management decisions are invited to participate. For example, active or retired managers, HR experts, union representatives, HR policy makers in government offices, employment lawyers, etc.

**Do I have to take part?** Participation in the project is voluntary, and you can choose not to participate in part or the entire project. You can withdraw at any stage of the project without being penalised or disadvantaged in any way. It is up to you to decide whether or not to take part. If you do decide to take part, you will be asked to sign a consent form. If you decide to take part, you are still free to withdraw at any time and without giving a reason.

**What will happen if I take part?** You are expected to take part in a semi-structured interview lasting 45-60 minutes at an agreed appropriate place or over the Internet through Skype. The researcher will ask you questions aimed to capture your views regarding the career issues as stated in the purpose of the study. The researcher will ask your permission to audio-record the interview through an external tape-recorder as to facilitate thorough data analysis.

**What are the possible benefits of taking part?** Whilst there are no immediate benefits for those people participating in the project, it is hoped that this work will benefit wider management practices around career management issues and can offer contribution to academic knowledge.

**Will what I say in this study be kept confidential?** All the information that is collected about you during the course of the research will be kept strictly confidential. You will not be able to be identified in any reports or publications, as all the participants will be completely anonymised in any output. Only the researcher and the two research supervisors will have access to data in unprocessed form where only the researcher will know the identity of the participant, which will be strictly kept confidential. The data will also be archived anonymously and securely.

**What should I do if I want to take part?** You should notify the researcher and sign the consent form to enable your participation.
What will happen to the results of the research project? The results of the research project will be used for the PhD thesis as well as for ensuing publications in academic journals or conferences.

Who is organising/ funding the research? This research is under the supervision and ethical approval of University of Leicester as a part of self-funded PhD research project of Rasim Kurdoglu.

Contact for further information: PhD Researcher: Rasim Kurdoglu, rsk15@le.ac.uk Research Project Supervisors: Dr. Sigmund Wagner-Tsukamoto, saw14@le.ac.uk and Dr. Charlotte Smith, cvls1@le.ac.uk

Thank you for taking the time to read this information sheet.
Appendix 5: Participant consent form for all fieldworks

CONSENT FORM

<table>
<thead>
<tr>
<th>Please tick the appropriate boxes</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>I have read and understood the information sheet about the study.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I have been given the opportunity to ask questions about the study.</td>
<td></td>
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<tr>
<td>I understand that any information I provide is confidential, and that no information that could</td>
<td></td>
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<tr>
<td>lead to the identification of any individual will be disclosed in any reports on the study, or</td>
<td></td>
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</tr>
<tr>
<td>to any other party. No identifiable personal data will be published.</td>
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<tr>
<td>I agree to take part in the study by being interviewed, which can be face-to-face or through</td>
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<tr>
<td>Skype over the internet.</td>
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<tr>
<td>I understand that my taking part is voluntary; I can withdraw from the study at any time and I</td>
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<tr>
<td>do not have to give any reasons for why I no longer want to take part.</td>
<td></td>
<td></td>
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<tr>
<td>I understand that my words may be quoted in publications, reports, web pages, and other research</td>
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<tr>
<td>outputs (while ensuring anonymity of the interviewee).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I agree to the interview being audio recorded by an external tape recorder (both for Skype and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>face-to-face interviews) to enable data analysis.</td>
<td></td>
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</tr>
</tbody>
</table>

Name of participant……………………………………...

Signature ..........................

Date ..............................

Researcher ..........................

Signature ..........................

Date ..............................

Project contact details for further information: rsk15@le.ac.uk
Appendix 6: Thematic codes emerged in the analysis of second field work

Category 1: Codes in relation to unfairness arguments

- Lack of social skills
- Unfulfilled promises
- Sexual discrimination
- HRM staff ineptness
- Favouritism
- Performance measurement controversies
- Organizational politics
- Hypocrisy
- Procedural manipulations

Category 2: Codes in relation to legitimation arguments

- Unconscious bias
- Managerial silence
- Talent management choices
- Employees’ false beliefs
- Lack of psychological and social competence
- Ignoring any concern for unfairness
- Indicating greed of employees
- Social incompetence of employees
- Unavoidability of unfairness
  - Ineffectiveness of interventions
  - Refraining from justice concerns
  - Precautions to avoid victimization
- Determination of promotion criteria
  - Positive employee attitudes
- Belief in a just world


Human Relations, 63(8), pp. 1157–1175.


