

LÉVINAS' ETHICS IN PRACTICE: A CONSTRUCTION CONTRACTOR'S ACCOUNT

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This autoethnographic study offers a practitioner's view of ethical problems in construction management. Using Lévinas' thoughts on one's decisions and their consequences, I demonstrate their relevance and implications for construction management. The ethical issues I faced brought me regularly to the limits of guiding ethical principles. But Lévinas offers a way forward by deliberately moving beyond principles and prioritising the encounter of the Other. Yet my positivist engineering training made it particularly difficult to accept thinking beyond ontological categories. While I reflect on being perplexed, insecure and struggling, I give an insider account of the application of postmodern ethics and the consequences for me as a practitioner in the construction industry. Doing so, I address two missing perspectives in construction management research. I showcase a distinctively postmodernist perspective on management ethics and draws extensively on other disciplines. At the same time, I ground my work in practitioner experiences. Hence connecting the conceptual discussion about ethics in construction management research strongly to practice-relevant issues. I offer different ways of thinking about ethical dilemmas and passages out of resulting deadlocks. Therefore, this study might support practitioners and academics facing similar issues.

Keywords: Autoethnography, ethics, Lévinas, practitioner research

INTRODUCTION

In my position as a manager in the construction industry, I must make decisions on a daily basis. Each of these decisions has an impact on others and therefore, ethical aspects. To address these aspects, managers have to consider and comply with rules and guidelines.

Rules and guidelines might serve as a basis, yet often I experience them as insufficient to take the ethical decisions because one must move beyond them to act ethically. Therefore, I seek to understand these problems in light of Lévinas' thought. His thinking is founded in Plato's good beyond being (1997) and finds its implications in postmodern ethics (Bauman 1993). Lévinas essentially says ethics must originate in the encounter with another human being. Therefore, he argues, ethics - the concern or responsibility for the other - comes first always. Any principle or concept must derive from facing the other (Lévinas 1961, 1974). Using that understanding, I will provide some suggestion about how to think about ethical aspects of managerial decisions.

I am interested in ethics since I dealt extensively with Lévinas' work. He is said to be one of the most influential French philosophers of the 20th century (Critchley 2002).

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He is strongly influenced by the phenomenology of Husserl and Heidegger and influenced himself, Derrida and Sartre, among others. His thoughts revolve predominantly around the ethical relation between the self and the unknowable Other (human being). A central aspect of his thought is ethics prior to rational thought (Lévinas 1961, 1974) therefore, ethics and responsibility - the way Lévinas uses the terms - go beyond what one is accountable for. In the following, I reflect on my personal experience using his ideas. Doing so, I seek to demonstrate the limits of general rules and guideline in order to act ethically sound in business relations.

The autoethnographic material from my business practice will illustrate the ethical aspects of decisions I had to make and will demonstrate the problems general rules and guidelines pose. Using examples, I will further clarify Lévinas thought. Doing so, I introduce a discussion about postmodern ethics, which is still missing in construction management research.

RESEARCH APPROACH - AUTOETHNOGRAPHY

The research approach I am pursuing here is twofold on the one hand I write autoethnography and reflect on my experiences using Lévinas' thought as mirror or axis. Autoethnography is a branch of ethnography. Ethnographers participate and observe their natural or real-world research setting. They write fieldnotes about their observations and analyse these notes.

During the last years, Ethnography gained some momentum in construction management research as Pink, Tutt and Dainty's edition (2013) and more recent works show (e.g., Koch and Schultz 2018, Löwstedt 2015, Oswald *et al.*, 2018). Autoethnographies are, however, much rarer in construction management (e.g., Kanjanabootra and Corbitt 2016, Thiel 2005, 2010).

Autoethnographers write about their own personal environment and often focus on their own feelings and emotions (Ellis and Bochner 2000, Ellis, Adams and Bochner 2011). I write notes about my experiences within my business. Often, I sit down in the evening and start to write about what happened during the day. I focus on events that grabbed my attention, the ones that seem important to me. Hence, I rely on my sense of significance (Emerson, Fretz and Shaw 2011).

While writing fieldnotes, I already start to analyse them. I draw connections to previous events, perhaps earlier fieldnotes or even events long past. In this way, I use writing as a form of inquiry (Richardson and Adams St. Pierre 2005). At the same time - I may say almost inevitably - I begin to reflect on my experiences in the light of Lévinas' thought. Often, I start writing by setting me a minimum target word count (500 words). That works as a sort of warm-up. Most the time I exceed and write much more. I begin by describing a situation, but most the time meander in a sort of nomadic writing exploring and reflecting on different aspects (Adams St. Pierre 1997). Using this approach, I explored different aspects of my life as a business owner, one of which is the ethical aspect of my role.

Limits of Rules and Guidelines

Research in construction management used, for example, the notions of "ethical concepts" (Ho Man-Fong and Ng Chi-Wai 2003), "ethical principles" (Ayers *et al.*, 2013), "ethical framework" or "ethical infrastructure" (Vee and Skitmore 2003) as a synonym for guidelines and rules. Often these guidelines are founded on a diverse range of models of decision making (see Ho Man-Fong 2011). Yet, in my professional role, I often wrestle with such rules and guidelines since they are not

sufficient. Therefore, I explore what surpasses these concepts using Lévinas. Such an exploration of ethics in construction management, which draws on postmodern ethics (e.g., Bauman 1993, Lévinas 1974), is to my knowledge still lacking. Hence, I use Lévinas' thought to take the discussion in construction management beyond the borders of concepts and rules.

To demonstrate the practical relevance of this discussion, I use examples from my PhD thesis, I wrote about my own construction business (Grosse 2018). The following situation (fieldnote in italics) demonstrates how rules - in this case, our contract - fail to offer help dealing with ethical aspects of due decisions. Although my staff member had the contract to hand, he could not help but having doubts about the ethical aspect of what contract prescribed.

Pricey Bricks

An architect, I had known for almost my entire business life, called me and asked for help with a project. The contractor, her client commissioned, could not finish some work on time. So, she asked me to finish part of the job. One part of it was exchanging old broken or defect bricks from an early 20th century façade. We agreed on a price for a single replaced brick by a new brick. In the end, we multiplied the estimated number of bricks to be replaced by the price per brick and got the sum of the contract.

We started to work, and after some time it turned out that the price was far too high. The actual cost of replacing a brick was only a fraction of the price in the contract. My site manager when he wrote the invoice offered a substantial discount on the price for the brick.

When we discussed the issue, he said something like: 'Of course, we want to make a profit, but that seemed too much. We can't do that. We're still making a good bargain, but 'let's keep the church within the village.' (Grosse 2018)

'Keeping the church within the village' is a metaphor Germans use if they feel an action is inappropriate - literally, a church belongs in the village not outside of it. Although replacing the bricks was only a minor job on this huge project, I use this example to show the ethical limits of our contractual provisions. We - as company - could have claimed the full price for each brick my workers replaced by referring to the contract. Yet, my site manager expressed something that goes beyond the contract - to him (and to me too) it felt not okay to charge the full price. However, it is difficult to describe the feeling we had. Therefore, I use the metaphor of 'keeping the church within the village'. It represents quite well that the price for the replaced bricks felt too high, yet it was not determined what would be an appropriate price. The metaphor is of somewhat vague or ambiguous nature. It does not determine what is right or appropriate. Still, it signals that something does not feel right or appropriate. This ambiguity nicely fits into my understanding of ethics as they are not clear-cut right-wrong decisions. There is often a spectrum in which an appropriate choice lies.

One could contemplate for endlessly about pricing and profit margins. Certainly, one would arrive at the point thinking 5 to 10 % of the turnover would be an appropriate profit margin in this case. But what about the risk I have taken beforehand. If all turns out well - as it did in the example above - a moderate profit margin seems appropriate but how does one factor in riskier ventures? There might be little assistance available when things go wrong. Hence, more risk demands higher

margins. What if one miscalculates the risk involved? I doubt that there is a calculation which might suit in all circumstances. My or my company's situation is different in each new contract, and the clients' or project partners' situation is different too. Therefore, some guidelines will be helpful, yet these guidelines must not be hammered in stone but should be scrutinised in each new situation.

However, general rules and guidelines have a special attraction. First, an engineer myself, I was trained to distinguish right and wrong - one can say whether there is a sufficient amount of iron in a concrete beam. That is how engineering professionals are used to making decisions, yet ethical decisions are different in nature from technical choices. But, applying guidelines limit their discretion and thinking only in concepts similarly stifles the academic debate too. There is a need to go beyond concepts for academic and managers.

And second, it would have been so convenient to refer to the contract in the case above. I wonder whether it would have been easier for him to charge the full price for each brick and to make a lot of money. He could have referred to the contract, and that would have legitimised him. In some regard, it would have been for him the comfortable way to go. The only obstacle was his doubts about the appropriateness of the pricing. If he could have suppressed his doubts, it would have been a comfortable and easy way. But he could not. The doubts he had were too strong to suppress.

Forget your perfect offering. There is a crack in everything. That's how the light gets in (Cohen 1992)

The crack in my example above is his uncomfortable feeling he expressed using the metaphor. The crack essentially let the ethical light in. Following up on the doubts he had, and questioning guidelines and rules are essential and inevitable parts of ethically taking decisions. To understand why this scepticism is so important to ethically taking decisions, I draw on Lévinas' work. One aspect of his thinking is nicely described by Critchley (2015: 11):

I'm suggesting here that we think of Levinas' work [...] as drama [...]. [T]he core of tragedy is the experience of moral ambiguity, where justice is on both sides and one is swayed one way and then the other. The lesson of tragedy[...] consists in the ability to bear moral ambiguity. This means that justice is not one but is at least two, and the experience of tragedy is watching one conception of justice turn into its opposite and then turn inside out. Justice is conflict.

I will try to translate this conflict, this 'moral ambiguity' into my example. On the one hand, the contract prescribed the price and made a case for earning a lot of money. It is, of course, the job of the site manager to manage building sites efficiently and as a result to generate profit. The whole business aims at earning money. So why having second thoughts? Yet, the ambiguity surfaces through his use of the 'church within the village' metaphor. It clearly signals something feels not okay. Hence, saying it, he opens a space for interpretation. It is a deconstructive move; it abandons a rule and offers freedom for a responsible decision (Derrida 1992). Now we had to weight different arguments against each other.

Abandoning rule is almost like opening Pandora's box. One has to start thinking about further implications. The looming profit could have helped the company in various ways (buying new equipment to make work easier, paying workers more, easing some pressures, or just as a provision for economic difficulties). There were a lot of reasons available to legitimise (contract) and justify (further implications) the high price for replaced bricks. Generating profits is not a bad thing after all (I am supposed to say that because I run a business). One can easily see that not charging the full price had

implications beyond simply making more money. For me - as the owner of the business - it is easier to make decisions because I have much more discretionary freedom than, for example, a manager in a big cooperation entangled in multiple dependencies and reporting to several seniors.

The comedy begins with the simplest of our movements, each of which carries with it an inevitable awkwardness. In putting out my hand to approach a chair, I have creased the sleeve of my jacket. I have scratched the floor; I have dropped the ash from my cigarette. In doing that which I wanted to do, I have done so many things I did not want. The act has not been pure, for I have left some traces. In wiping out these traces, I have left others. Sherlock Holmes will apply his science to this irreducible coarseness of each of my initiatives and thereby, the comedy may well turn tragic. (Lévinas 1951: 4)

The decision had further consequences for my company and, of course, had ramifications for our employer too. Since the employer was a big company and our part only tiny within the context of this large project, the ethical dimension of our decision was not that significant for the employer.

But on the other hand, it still felt too much to charge the full price. A lower price would have been enough to serve the company sufficiently. A very difficult question arises: What is enough profit? How much do I need to make a living from? Lévinas is here a bit vague.

Only a subject that eats can be for-the-other or can signify. (Lévinas 1974: 74)

The following example demonstrates which impact my decisions may have on others far better. At the same time, it illustrates the issue of 'having eaten' and so being able to share more.

The Cooperative

We worked on a social housing project. The owners of the estate, a five-floor building in Berlin with space for some 20 families, was a cooperative. The ones who wanted to live in this house were obliged to be members of this cooperative and did not actually own one flat but rather the right to live in one for rather low rent. Hence, they had shared responsibilities and some advantages. Apart from that, they had to do quite a lot of building work by themselves to keep the cost of constructing the buildings low.

When we came to the end of the project, it turned out that we had to charge them more than our initial quotation included, since we had to do more work than initially thought.

We sent the architect we worked before our final bill, and he gave his approval. But then the money did not come. We had sent them a couple of bills before, and they never paid late. So, I was a bit surprised. One day I called the architect because he had close ties to the cooperative and asked why they did not pay. The problem it turned out was that they ran out of money. The architect recommended to call the cooperative directly and gave me the number of the accountant. I did call. The accountant quite frankly admitted that they were short of money and that she could not pay.

One has to know that the families living in the house are low middle class - not really poor and in need but also by far not in the position to buy a detached house in Berlin's surroundings. They are working class. They can afford to pay the monthly rent and may have paid some to the cooperative. But apart from that their financial situation appears to be strained.

During the phone call, I raised that there is a monthly income on the side of the cooperative - the rents will come each month. So, I suggested that we find an agreement where each month a small amount of money is paid, and I offered them a very low interest. She discussed it with the board of the cooperative, and they agreed to my proposal.

Of course, I could have insisted on my right to get paid immediately. But at this moment that seemed not fair to me. No question, I wanted to get my money. But I did not need it immediately at that time. So why should I 'point a gun at their chest?' I got my money with quite some delay, on top of some interest, and they were happy too. (Grosse 2018)

In case I would have insisted on immediate payment, I would have caused the cooperative massive problems. But I did not need the money at this moment. I was sure that they would be able to serve the debts by paying monthly instalments. It just took them some time. One could read this situation as follows: I had eaten enough - my needs were satisfied (Lévinas 1961) - at least for the time being. Hence, I was able to share. Insisting on immediate payment would have had an impact on the members of the cooperative and their families. These were the very people I met during a barbeque on the building site. I had a lovely evening with them and their kids. I just could not cause them so much hardship.

The Other

I am not sure whether the architect in the first example had some idea about how many hours of work we needed to replace the bricks. It is, of course, an aspect of whether or not the partner we are interacting with has an idea about our costs in relation to the prices we charge. Here first surfaced one important aspect of ethical acting - which is that we act in the face of a human other. This aspect gained much more importance in my dealings with the cooperative.

The cooperative members and their kids were the 'Other' as Lévinas (1961) calls them. I experienced them as human Others. I literally faced them. This distinguishes the two examples. In the first example, I only knew the architect personally but not the employer, whereas in the second example, I knew the persons behind the cooperative. One may relate this to the Bauman's distinction between mask and faces. I encounter a human Other by his or her face whereas in the distance, this face becomes a mask. The face of the Other is immediately and unmitigated present to me. Only when I distance myself, the face becomes a mask which I can compare. (Bauman 1993).

When we face the Other, we are merely responding to him. The Other stays a stranger, and we cannot comprehend the Other's otherness. This relation is never equal, and the Other never becomes an object. This distinguishes Lévinas from, for instance, Martin Buber who allows for an equal and distanced relationship. In which the I-Thou relation evolves. Subsequently, the Thou becomes It and the I become a Thou (Buber 1958). However, for Lévinas, the Other is always more than me.

We recognise the Other and interact with him through 'saying'. Levinas terms 'saying' as a preconscious interaction with the Other distinct from the 'said'. Saying is the momentary, elusive, subjective act of encountering the Other; saying is signifying. The said is what the saying produces: rational thought, concepts and abstractions. In other words, the saying resembles the infinite Otherness of the other human being, and the said is the reduction of the encounter with the Other into my

limited categories (Lévinas 1974). “For Levinas, Saying has its own meaning, quite separate from anything that might be communicated by the Said.” (Davis 1996: 77) “Lévinas distinguishes between language in its expressive or ethical function, called ‘saying,’ and language in its theoretical or ontological function, the ‘Said.’” (Atterton and Calarco 2005: 55) They further explain that “language cannot be reduced to a merely instrumental function as a tool for transmitting information. Language also has an ethical dimension that is irreducible to what is said.” (Atterton and Calarco 2005: 55). This ethical dimension is saying.

This ethical dimension of saying is closely related to Lévinas’ understanding of responsibility. Similarly, to Derrida (1992) Lévinas locates responsibility beyond rationality. For him, we are responsible prior to consciousness, before we rationally think, because our rationality, our consciousness is grounded in the encounter with the Other. The Other(s) are essential to constitute our self. (Lévinas 1961, 1974) Our world would dissolve without the “community of speakers” on which we rely. “At the heart of this community [...] is the ethical relation.” (Large 2015: 44)

Lévinas places ethics as first philosophy and anchors ethics in the pre-conceptual encounter of a human Other and, therefore, safeguards philosophy against inhumanity (which he experienced as European Jew during Nazi rule). He strongly relates this thinking to Plato’s good beyond being (Plato 1997). The Good is beyond ontological categories and is essentially ethical saying. Encountering the Other challenges and questions our said, our very self. Encountering the Other, I have to respond to him or her - I am supposed to act responsibly towards this person.

Since I met the persons behind the cooperative, I interacted with them by saying. Therefore, the ethical dimension of our interaction surfaced. The ethical dimension here clearly went beyond what the rationale of the contract dictated. That is why the ethical aspect had much more significance with the cooperative in contrast to the unknown employer. I had faced the Other - in person - there was not a mask behind which these persons were hidden. In the case of the cooperative, it was almost inevitable for me to share and therefore act responsibly towards them because I had already ‘eaten enough’ (Lévinas 1974).

One may argue that it was easier for me to do so since I was not in need myself. I could afford to be paid late or, as in the case here, by monthly instalments. I had already eaten and had enough to eat. It would have been hard for me to deny the cooperative assistance. I felt compelled to help. I was urged to offer my assistance. It relates to sharing, to “snatching the bread from one’s mouth” (Lévinas 1974: 74)

Still, I wonder “What would other contractors be doing? Wouldn’t they use this opportunity to generate a good profit? Isn’t it naïve to give away the money?” In some sense it certainly is. Would I get more money in case my prices would not cover my cost, or would I have to shoulder the bill on my own? Probably, I would be left alone with overrunning costs. Still, it does not feel appropriate to make such a big profit.

However, as I argued above, ethics is first philosophy. It is not grounded in rationality, there is no reason, no rationale in favour of acting ethically. Ethics is an end to itself. But cannot rationally argue against acting ethically. Not our fear of bad reputation or coercion forces us to act ethically - it is just because we want to do so. Ethics cannot be a means to an end. Nevertheless, only one who “eats can be for-the-other” (Lévinas 1974: 74). The difficult question remains, what does it mean to have enough?

Goodness consists in taking up a position such that the Other counts more than myself.
(Lévinas 1961: 247)

One may argue that drawing on Lévinas, I argue for self-sacrifice. But I do not. I set out Lévinas thought as a guiding principle. I argue in favour of assuming responsibility. A Responsibility that “does not primarily refer to something which has said and done but rather to something which has to be said and done.” (Waldenfels 1995: 41) To be receptive to the urge to help the Other who is in need (Caputo 2000) is what I am arguing for within the bound of providing for one’s own needs.

I think there’s also something deep here, in the sense in which I think that the correct philosophical attitude is to be at war with yourself. If you’re not, you’re either not being honest or you’re not doing good work. (Critchley 2015: 17)

To act ethically cannot be comfortable. Ethics is this urge to say and do “which ought to be said and done” (Waldenfels 1995: 41), it is the recurring scepticism, the responsibility which overwhelms me (Lévinas 1974). It is a constant struggle. I must decide which Other I serve first. To which Other do I speak. As Lévinas said in an interview, “I am led to compare the faces, to compare two people. Which is a terrible task.” (Wright, Hughes and Ainlley 1988: 174)

Following a rule or guideline is, of course, easy and comfortable. From my personal experience as a trained civil engineer, I am used to applying rules and regulations. They make perfect sense when it comes to structural designs. And I perfectly understand the difficulties one faces when questioning and perhaps abandoning rules. However, facing one’s responsibility - beyond what one is accountable for - is the only way to act ethically.

SUMMARY

These two very simple examples demonstrate how managers in the construction industry are trapped within multiple interpretations of the same event. It is never one, seldom two but often many different perspectives on a matter that demands a decision. This is one aspect of why general guidelines and rules alone are so problematic. Further, the implications of decisions are far-reaching - way beyond the problem at hand - and cannot be reflected in general rules and guideline.

One may argue that ethical guidelines are necessary to do business in general, which also applies to construction management. I do not challenge this assertion; however, I add that guidelines are not sufficient. Even more, I emphasise that guidelines cannot be sufficient for ethical management because ethics precede every concept. Hence, an ethically facing the other - i.e. sensing or feeling that what one is about to do does not appear appropriate - must lead to a questioning of rules and guidelines.

One may argue that this thinking is of little help because it leaves space for arbitrary decisions. This is certainly the case, yet it leads me to a central point of my research: ethics is first philosophy. The ethical decision cannot be grounded in general principles or rules. An ethical judgement must embrace the human other by responding responsibly and not technocratically. This response must contain a responsibility which not founded in any principle but in genuine care for the Other.

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