


4-1998

When "Reason" Is In the Eye of the Beholder: A Reexamination of the "Reasonable Man" Standard as Applied to Organizational Management

James R. Jones

University of Nebraska at Omaha, jimjones@unomaha.edu

Follow this and additional works at: <https://digitalcommons.unomaha.edu/mrktngmngmntfacproc>

 Part of the [Business Administration, Management, and Operations Commons](#), [Law Commons](#), and the [Organizational Behavior and Theory Commons](#)

Please take our feedback survey at: https://unomaha.az1.qualtrics.com/jfe/form/SV_8cchtFmpDyGfBLE

Recommended Citation

Jones, James R., "When "Reason" Is In the Eye of the Beholder: A Reexamination of the "Reasonable Man" Standard as Applied to Organizational Management" (1998). *Marketing and Management Faculty Proceedings & Presentations*. 3.

<https://digitalcommons.unomaha.edu/mrktngmngmntfacproc/3>

This Conference Proceeding is brought to you for free and open access by the Department of Marketing and Management at DigitalCommons@UNO. It has been accepted for inclusion in Marketing and Management Faculty Proceedings & Presentations by an authorized administrator of DigitalCommons@UNO. For more information, please contact unodigitalcommons@unomaha.edu.

When "Reason" Is In the Eye of the Beholder: A Reexamination of the "Reasonable Man" Standard as Applied to Organizational Management

James R. Jones

University of Nebraska at Omaha

"Specifically, issues of race, gender, disability, status, etc. provide a new context in which to judge the reasonableness of an individual's actions."

The concept of the "reasonable man" is one of long standing in the legal profession of the United States. As the United States has become an increasingly polyglot society, the need to reexamine the sufficiency of a single "reasonable man" standard is clear. Specifically, issues of race, gender, disability status, etc. provide a new context in which to judge the reasonableness of an individual's actions.

In 1929, Justice Cardozo, in *Palsgraf v. Long Island Railroad*, used a "reasonable man" standard to determine when and if a defendant owes a duty of care to an injured plaintiff when the plaintiff suffers an unintentional injury as a result of identifiable conduct by the defendant. In western jurisprudence, the standard has gained universal acceptance and application in negligence cases. In the employment area, it has also been utilized to determine if plaintiffs in racial/sexual harassment and discrimination claims are sufficiently viable to avoid dismissal. However, several jurisdictions have recognized that the standard is per se deficient. In *Brady v. Elliot*, the Ninth Circuit Court of Appeals ruled that a reasonable man standard is not appropriate. The Ninth Circuit announced a reasonable woman standard to judge these matters. Similarly, the First Circuit held that a reasonable man standard is inadequate to judge whether an injury is outrageous in emotional distress cases or whether a workplace is sufficiently hostile to justify employment race harassment. Hence, the First Circuit adopted a reasonable black person standard. While the general idea of the "reasonable man" has its roots in the law, its application in the business world has become a matter of critical interest and importance, for employers and employees alike.

For a manager, while legal concerns are a part of everyday operations, there are other activities that comprise his or her primary responsibilities, namely those activities collectively labeled "leadership." Most definitions of leadership refer to it as including directing others, motivating subordinates, selecting effective communication channels, and resolving conflicts. Were these activities directed toward a staff of robot workers it would be easy to establish a singular method for doing so. Obviously, since in reality most managers direct not robots but people, it is necessary to take human variability into account. In management literature, theories of perception and attribution are central to understanding the leadership function, and revolve in large part around individual differences.

Perception, simply put, is the process of organizing and interpreting sensory impressions

in order to give meaning to the environment. Factors that operate to affect and shape perception include the perceiver, the object or target being perceived, and the context in which the perception is made. Attribution theory, on the other hand, seeks to explain how individuals differentially judge others, based on the meaning we attribute to given behaviors. The ultimate goal of attribution is to determine whether the behavior was internally derived (caused by the individual) or externally derived (resulting from outside forces). The major factors people use in making these determinations are the distinctiveness of the behavior (is the behavior characteristic across situations or particular to a given situation), the degree of consensus as to whether the behavior in question is proper for the situation, and the consistency with which the individual exhibits the behavior in the same situation over time.

Both of these frameworks allow for human variability, but in a very general fashion. While perception theory, for instance, takes into account that different perceivers have different perceptions of the "same" target context based on their differing past experiences, not much attention has been given to the specific ways in which one's cultural background shapes those experiences. Similarly, there has been a dearth of research that incorporates systematic investigation of the role diverse racial and cultural backgrounds play in reaching a "consensus" about what is "proper" behavior. It should be evident that the failure to take these issues into account in formulating theory weakens the case for applying a singular standard of "reasonableness" across diverse groups. We have alluded to the difficulty this presents in the legal venue. It does not take a great leap of analysis to see how the same difficulty presents itself to the objective of developing fully formed theories and applications of such managerial activities as motivation, compensation, discipline, performance appraisal, etc. Scholarly research and organizational effectiveness will be best served by revision of the status quo in this area.

PRESENTERS

James R. Jones is an instructor of management at the University of Nebraska at Omaha. He holds B.S.B.A. and M.B.A. degrees in management from the University of Nebraska at Omaha, and is currently a doctoral student in management (organizational behavior) at the University of Nebraska-Lincoln. Jones' occupational experience includes 10 years as a human resources professional and consultant at Baker's Supermarkets in Omaha, Neb. and the Gallup Organization in Lincoln, Neb. His research interests include effects of workplace stress on employees, ethics, individual differences and feedback-seeking behavior.