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Dissonance Between Personal Belief and Professional Values and the Challenge of Facing Other Conflicting Ideas

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2017 RICHARD T. SCHELLHASE ETHICS ESSAY

Dissonance Between Personal Belief and Professional
Values and the Challenge of Facing Other Conflicting
Ideas

Abstract

It is the recommendation of this author that, in regards to this case, Jess Smith should complete the project despite her misgivings about the ethical nature of the band. However, Smith should ensure that both the client and manager are notified of her concerns along with the specific components of the project with which she took issue. The case of Jess Smith and the Design Firm ultimately highlights the issue regarding how to resolve dissonance between personal belief and professional values and more broadly the challenge of facing other ideas that challenge an individual's personal convictions.

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2017 Richard T. Schellhase Ethics Essay Contest:
JESS SMITH AND THE DESIGN FIRM

By: Christopher Tan

Summary:

It is the recommendation of this author that, in regards to this case, Jess Smith should *complete the project* despite her misgivings about the ethical nature of the band. However, Smith should *ensure that both the client and manager are notified of her concerns along with the specific components of the project with which she took issue*. The case of *Jess Smith and the Design Firm* ultimately highlights the issue regarding how to resolve dissonance between personal belief and professional values and more broadly the challenge of facing other ideas that challenge an individual's personal convictions.

Introduction

The case of *Jess Smith and the Design Firm* introduces an array of issues regarding the role that personal belief – be it economic, political, or religious – should play in a secular workplace. In evaluating the dilemma faced by Jess Smith, this paper seeks to evaluate this case in three sections: (1) determining the basis for completing or refusing to complete the project; (2) examining the issues that arise when applying personal beliefs to a workplace environment; and (3) recommending action by analyzing opportunities for improvement.

1: Determining the Basis for Completing or Refusing to Complete the Project

Legal Basis for Completing or Refusing the Project

When determining if there is a basis for Smith to refuse to complete the project, the legality of the internet posts – offensive photographs and support of dangerous activity – by the band must be evaluated.

Obscenity Tests

The test in seeing whether the band broke any laws, applies three conditions to the subject to determine whether it is obscene or not. The U.S. Supreme Court established the *Miller* test in three major cases: *Miller v. California*, 413 U.S. 15, 24-25 (1973); *Smith v. United States*, 431 U.S. 291, 300-02, 309 (1977); and *Pope v. Illinois*, 481 U.S. 497, 500-01 (1987). Any material that satisfies all conditions of the test may be found obscene. The *Miller* Test as follows:

1. Whether the average person, applying contemporary adult community standards, finds that the matter, taken as a whole, appeals to prurient interests (*i.e.*, an erotic, lascivious, abnormal, unhealthy, degrading, shameful, or morbid interest in nudity, sex, or excretion);
2. Whether the average person, applying contemporary adult community standards, finds that the matter depicts or describes sexual conduct in a patently offensive way (*i.e.*, ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory functions, lewd exhibition of the genitals, or sado-masochistic sexual abuse); and

3. Whether a reasonable person finds that the matter, taken as a whole, lacks serious literary, artistic, political, or scientific value

The band posed with “desecrated images of Christ and signs that promoted devil worship and torture” and often “promoted drug use and violence”. Their actions do not satisfy condition 1 and 2, as there are no exhibition or interest in nudity or sex. Thus, this author concludes that the material published by the band cannot be considered obscene.

Protection Under the First Amendment

Under the First Amendment, the band has not done anything illegal by promoting drug use and violence, even though Smith may feel that the band’s promotion of “dangerous and harmful activity was pernicious to society”. Under *Brandenburg v. Ohio*, 395 U.S. 444, government cannot punish inflammatory speech unless that speech is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action" (*Brandenburg v. Ohio* 1969). If this was not the case, numerous musical artists and rappers would have their music censored for doing just the same thing – promoting drug use and violence – on radio, a medium that is widely accessed by people. Under the ruling of *Brandenburg v. Ohio*, it can be safely interpreted that the band’s speech, though inflammatory, was not “directed to inciting or producing imminent lawless action” nor was it “likely to incite or produce such action”. When applied to this case, according to the Supreme Court, the band’s promotion of drug use and violence is protected under the First Amendment.

Implications

Thus, per U.S. law, both the band’s numerous photographs and promotion of harmful activity cannot be considered illegal and is in fact protected under the US Constitution. For Smith, the band has not done anything illegal, which means that she has no legal basis for refusing to complete the project.

Moral Argument for Completing or Refusing the Project

Deontology: How Religion and Duty are Not Mutually Exclusive From Each Other

One of the most notable ideas of Deontology is that under this school of thought, moral principles are completely separated from any consequences which following those principles might have.

One of the main ethical theories of Deontology is Divine Command. The theory of deontology states that individuals are morally obligated to act in accordance with a certain set of principles and rules regardless of outcome. In religious deontology, the principles derive from divine commandments, which in the case of Smith, is obeying the moral duties established by the Christian faith. Thus, the actual choice to follow these moral duties, laid out by Smith’s Bible or religious leaders, is an obligation that she is compelled to follow, regardless if the result harms or helps her firm or her client. If she follows the teachings of Christianity, under Deontological school of thought, Smith is acting morally in refusing to complete the project because it violates her principles and values.

Conflicts in Deontology that Negate Action on the basis of Duty and Religion

However, it is important to note that a large critique of Deontology is determining which duties qualifies should be followed, especially if there are conflicting ideologies. Deontology is quite useless at providing moral guidance in situations of moral ambiguity, such as the case with Smith, in which her desire to perform the duties of her job while remaining true to her religious convictions creates a moral dilemma. This is largely due to the fact that Deontology deals in moral absolutes, which makes it difficult to apply to ambiguous situations. Thus, while Smith has a moral duty to not complete the project, the rigid nature of Deontology makes it a poor school of thought for resolving moral dilemmas.

2: Examining the Issues that Arise When Applying Personal Beliefs to a Workplace Environment

One of the issues that arises when refusing to complete work due to personal beliefs is the breaking of the contract between firm and employee. At its root, work is an exchange in which an individual performs a service or creates a good in exchange for equivalent compensation. In this case, the firm is paying Smith to format a local music magazine cover. Should she refuse, she risks losing her job, which the firm has every right to do. With the project, there is no violation of workplace discrimination laws or any laws regarding printed media in general. According to Business Management Daily, “if employees have a reasonable, good-faith belief that what they're being asked to do is illegal, they can refuse to follow through on the directive, and supervisors can't retaliate against the employee for taking that stand.” In a recent court case, *Yanowitz v. L'Oreal USA*, the California Supreme Court ruled that employers can be held liable for punishing employees who refuse to follow what they believe are illegal orders. The premise of the case was that Elysa Yanowitz refused to follow an order to fire a female sales representative and replace her with someone more attractive. Her refusal prompted her boss to harass her and give her poor performance ratings. Because Elysa Yanowitz was ruled to have a good-faith belief that she was being asked to do something illegal, whether that's true or not, she can pursue a retaliation lawsuit (The HR Specialist: Employment Law 2005). However, this cannot apply to Smith's case, as this paper demonstrated how the band broke no laws with their photographs or their online presence. Thus, Smith would not be eligible for compensation by the law should she be fired or receive some sort of sanction by her manager for refusing to complete the project.

Additionally, Smith does not have the authority to determine what is good or not good for the company. While most firms encourage employees to think critically and do their work with diligence and care, Smith would be better off contacting her manager or a resource within the company that would best determine the next course of action. Either way, in choosing to complete or not complete the project, both the firm and the client will be impacted, which certainly necessitates involving others in the decision-making process. In addition to using other human resources at the firm, all employees, during the onboarding process, are given employee codes of conduct that address company expectations of employee behavior. Smith should also refer to these rules in determining her next course of action.

3: Recommending Action by Analyzing Opportunities for Improvement

How Other Professions Deal with Ethical Dilemmas

Employees from many different sectors in the economy face ethical or moral dilemmas. Looking at how other sectors respond may provide a model on which to base Smith's actions. In the social worker field, social workers "are encouraged to consult with colleagues, supervisors, and the professional organization as they may be of help in the process of ethical decision-making and resolution of the conflict" (Comartin 2011). This places an imperative on both Smith and her organization to foster a culture where the role of a supervisor is to "challenge and encourage supervisees to critically reflect on the dilemma at hand by identifying conflicting values, understanding the ethical issues present, recognizing the moral implications of their action, acknowledging their responsibility in making ethical choices, and identifying and selecting a course of action" (Comartin 2011). This requires a shift in the culture of the firm and the way in which supervisors approach their work.

What the Firm and Smith Can Do

To prevent future ethically ambiguous situations from arising, the firm should institute clearer codes of conduct and make resources available that would best assist workers in the process of ethical decision-making and conflict resolution. To that end, Smith should advocate for her firm to implement changes to the corporate culture that simultaneously empowers the employee and the manager to cooperatively navigate conflicts. "A solid support network consisting of supervision and colleagues to help them navigate through situations in which they may face ethical conflicts" is a preventative measure that Smith could use to address this situation in the future (Comartin 2011). Avoiding moral conflicts is not the right way to go about addressing the overall discord between personal and professional values. Through corporate structures aimed at embracing conflict resolution, "workers benefit from understanding that growth occurs when these conflicts are acknowledged, explored, and resolved" (Comartin 2011). Instead of avoiding these situations, Smith should seek to embrace them, as they could lead to opportunities for greater growth and understanding of the underlying issues of the problem.

What Smith Can Do Should This Situation Arise Again

If her boss instructed her to take on projects of a similar nature, Smith has two options: find a new firm that better reflects her personal convictions, or remain in the firm and embrace the conflict. Facing these conflicts head highlights biases and prejudiced attitudes while also exposing the individual to different perspectives. Through facing new and unfamiliar projects, Smith has the opportunity to both reexamine, reflect, or reaffirm her beliefs, which ultimately makes her a more involved and critical employee. There is a danger in only encountering ideas that complement personally held beliefs. In psychology, the phenomenon that describes the tendency to accept information that confirms one's preexisting beliefs is confirmation bias, which may often lead the individual to miss or overlook important details. This highlights the importance of Smith continuing to complete these projects. Though it may be uncomfortable, facing these details will not only improve her person, but her capacity to work in a creative art firm.

Conclusion

Thus, this author recommends that Jess Smith complete the project, but notify her supervisors and the professional organization of her grievances regarding the questionable content of the band's media. In this case, the absence of access to colleagues or other resources used for helping Smith through the decision-making process makes it necessary for her to complete the project. There does not exist any legal reasons for refusing to complete the project nor is Smith in a high enough position to make such decisions for the firm. However, when dealing with dissonance between personal belief and professional values, the firm also has a role to play by establishing clear codes of conduct and providing adequate resources to employees for resolving conflicts.

Too often, people are quick to stay within their comfort zone, content to be surrounded by the same ideas and thoughts. This has made productive dialogue and intellectual debate very difficult between opposing sides. Ultimately, facing instances that may conflict with personal beliefs and challenge the status quo are challenging. However, with all challenges, there is opportunity for growth. Smith has the opportunity to grow both personally and professionally should she continue to take on projects that challenge her core principles and beliefs. As Dan Stevens says: "the comfort zone is the great enemy to creativity; moving beyond it necessitates intuition, which in turn configures new perspectives and conquers fears."

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