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Jess Smith and the Design Firm

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JESS SMITH AND THE DESIGN FIRM

In this scenario, Jess Smith is conflicted between two important aspects of her life. On one hand, her job means a lot to her; she clearly places a lot of importance on doing it well, and takes her client very seriously. She does not want the magazine or the company employing her to suffer as a result of her not publishing the story. She is also very happy with her job, and refusing to do it might put her employment in jeopardy. However, her religious and moral beliefs are also a significant part of her life, and she feels very uncomfortable about helping to promote a band that outright disrespects her religion. She also does not want to promote or be associated with the values of the band, which to her are not just sacrilegious, but morally wrong. In addition, her firm is known for being socially conscious, often taking jobs for free to benefit homeless shelters and other such people and causes. Smith sees the band's values as going against her employer's mission, and is worried that being associated with the band would damage their reputation.

The options before Smith seem simple: either publish or do not publish the story. But these actions have powerful ramifications. If she publishes it, then she compromises her religious and ethical beliefs. This would presumably cause her great distress, especially considering the powerful aversion to acting immorally that defines the Christian faith. She would keep her job and continue to work, but her enjoyment would be considerably lessened, perhaps making the job no longer desirable. Also, as mentioned before, being associated with the band and its values could be problematic for her employer's reputation. On the other hand, if she refuses to publish the story, she risks jeopardizing her professional reputation and almost certainly that of her firm. The magazine would also be in a difficult situation, as an unfinished issue would reflect poorly on it. While she would be morally satisfied, her actions would lead to problems for herself, her employer, and her client.

There is one very important thing Smith must do no matter what her decision is: make her religious and ethical beliefs and the conflicts that could arise from them clear to her employer. If Smith was aware that this could be a problem, it would have been wise to mention it when applying for the job. It is unlikely that she would have been denied the job solely for that reason, as it would be akin to religious discrimination, which of course is unlawful. In fact, Title VII of the Civil Rights act of 1964 states that employers are obligated to accommodate employees who take objection to a task they believe violates their religious principles, as long as it does not cause the employer undue financial burden (“...Religious Discrimination in the Workplace”). If Smith had mentioned it before, she might have been able to avoid working on a piece she found morally objectionable without harming her employer’s business. However, now that the issue has come up, she should certainly make it known. This would be a low-risk, high-reward way to avoid future problems.

As to the situation at hand, the option of least risk would be to print the story. Going against her morals would cause her distress, and printing the story may also hurt the image of her firm. However, if she does not do so, it could lead to consequences for herself, her employer and her client. Overall, more parties would be negatively affected. While there is the possibility that her employer’s reputation could be harmed, there is the same possibility if she refuses to complete her job. Either way she chooses, that concern seems unavoidable. If she does her job, she will at least be fulfilling the firm’s needs, whereas refusing to do so would go against them. In printing the story, she could also ensure that the magazine’s reputation was not damaged. Assuming she informs her employer of her beliefs and how they may conflict with her work, she may even be able to prevent a repeat of the scenario. While not helpful in this case, it would allow her to avoid more difficult situations in the future without affecting her employment and

professional reputation. Now, she cannot refuse to print it without creating problems, as the deadline is too soon. Making this exception to her beliefs would meet the needs of her client, her employer, and pose no risk to her job; hence, it would be the less detrimental course of action.

Publishing the story, no matter the measures taken to avoid another moral dilemma, will still cause Smith no small amount of distress. That consequence is unavoidable. Not only that, but there can be danger in too easily compromising one's beliefs. After all, principles are what serve to dictate how we act throughout our lives, whether they're taught by society or by the people closest to us. The majority of people in this country are able to live peacefully with each other, not stealing or killing or otherwise infringing upon the rights of others, because of the strength of our principles. They are what has led us to a more democratic form of government where people have a say in the representation they have in state and national politics. While far from perfect, our principles have established a system of beliefs and rights that allows us to be better off than many other places in the world.

These beliefs and rights are stated in the Declaration of Independence, a document that has influenced much of American philosophy and society. The Declaration itself, in fact, can present a good example of the dangers of exceptions. This was indirectly illustrated in President Abraham Lincoln's 1857 speech in response to the infamous Dred Scott decision, which ruled that slaves were not American citizens and had no right to appeal to federal courts. In the speech, he responded to the claim that the Declaration referred only to the white colonists under British rule at the time it was written. This claim was cited by the justice delivering the opinion of the majority of the court. It was used to justify their refusal to see Scott, and all other slaves, as citizens. Lincoln objected, saying "Why, according to this, not only negroes but white people outside of Great Britain and America are not spoken of in that instrument ("Speech on the Dred

Scott Decision”).” In interpreting the Declaration as having a very narrow definition of equality, excluding not just all blacks, but all whites outside the American colonies, he stated that “...the Declaration is of no practical use now-mere rubbish-old wadding left to rot on the battle-field after the victory is won (“Speech on the Dred Scott Decision”).” Much as a wall crumbles if enough holes are put in it, principles become useless if enough exceptions are allowed. Eventually, with enough exceptions, principles cease to be upheld, and they themselves become the exceptions to a new norm.

However, there are also dangers in too strictly following a moral code. Take, for example, the court case *Miller v. Davis*. In June 2015, Rowan County clerk Kim Davis refused to sign her name on marriage licenses for same-sex couples, citing her religious beliefs as grounds for her refusal. Two same-sex and different-sex couples filed a lawsuit against Davis. They claimed she was violating the right to marry, legally granted to gay couples in the Supreme Court case *Obergefell v. Hodges*. The ruling went against Davis, stating that she did not have the right to use religion as justification for obstructing the marriage process for same-sex couples, and to do so was illegal (“*Miller v. Davis*”). Davis’ insistence on following her religious principles marked an instance where one’s morals had no place interfering with one’s job. Her actions infringed upon the liberty of other people, denying them of rights they were entitled to and had been granted. Making an exception, in this case, would have been justified.

It is generally accepted that moral and religious objections to one’s job should be taken seriously by employers; there are many laws in place in order to uphold them. However, in stating that Smith should make an exception this time and publish the story, I am advocating for Smith putting her career ahead of her ethical concerns. She missed the opportunity to handle the situation smoothly and avoid problems; she did not look at all her orders carefully, or inform her

employer of the problems arising from this particular one. If she had done so, she could have acted in accordance with her beliefs without affecting anyone else. Now that upholding her beliefs will negatively impact everyone involved with the story and its publication, I think that it is best for her to publish it.

One might very sensibly argue that it is more dangerous to allow for exceptions in ethics than in law or in the workplace. After all, it has been ethical concerns that have helped our society reach the point it has come to today. People standing up against the law, against what is expected of them, has led to some of the most monumental positive change. To go back to the notion of slavery, it was objected to on moral grounds, as it was of course a legal practice. The morally unjust nature of slavery and the humanity of the African people who were enslaved was incredibly evident. So much so that activist Fredrick Douglass, in his 1852 Fourth of July speech, refused to argue that slaves were people (“What to the Slave is the Fourth of July?”). He refused to argue that no person should be treated as they were being treated; it was such an obvious statement. Instead, he lambasted America and its people for supporting such immoral laws and actions. It was objections like these that lead to the Civil War, when one set of ideals clashed against another and brought slavery to an end. It can be necessary to object to laws, or other rules established without moral concerns, on moral grounds.

However, as the name implies, the dilemma Smith faces is an individual case, and individual cases vary in how they should be handled. Both strict adherence to belief and the allowance of exception pose dangers if taken too far. In this specific case, I believe that Smith should make an exception and print the story. Not only can exceptions be warranted, but in this instance very little is at stake. I have already made the case that not printing the story will do more potential damage to the individual parties involved in Smith’s dilemma. Adding on to that,

I believe that the sacrilegious and immoral values Smith is against will not lead to any sacrilegious and immoral actions. While the band does seem to promote those values, it is just a band. They have not done anything illegal, and her objections are not in regards to the legality of what they are doing. They have not done anything that harms anyone's well-being or freedom. Their beliefs are not forced on others, or enforced with violence, and they have not inspired others to act similarly. The band has every right to be seen by the public eye, and Smith is causing no harm to others by printing the story. This, of course, does not serve to assuage Smith's moral objections. Instead, it highlights that printing the story is highly unlikely to lead to immoral actions stemming from the band's message. This is important when comparing the fallout of the decisions Smith has before her.

Keeping in mind the amount and nature of the damage that could come from both decisions, I believe that publishing the story will have less external negative impact than not publishing the story. It may affect her firm's reputation, but beyond that, nothing outside of Smith's conscience will be harmed. However, it could be damaging to both her firm and her client, as it would surely harm both of their reputations if her client was unable to publish a complete issue and her employer was unable to complete a job. There could, in addition, be damage to her own career. Even if she does go against her beliefs and publish the story, Smith can take action to ensure that a similar dilemma does not occur again. She does not have to simply stand by and put aside her principles. By informing her employer of her religious and moral beliefs, and her desire to uphold them, she can take an active role in making sure she does not have to do anything else she is morally opposed to. This exception does not have to become a normal occurrence. It can stay a mere exception.

It could be argued that none of this is relevant to the dilemma Smith faces. When it comes to publishing the story, her main reason not to is that it conflicts with her religious and moral values. Whether publishing it will or will not cause the most harm does not get at the heart of the scenario. However, I assume from Smith's strong moral code that she wants to help others and use her work in service of this goal. After all, one of the reasons she is happy with her job is the charitable nature of the firm she works for; they take on unpaid work to benefit others. In focusing on how publishing the story leads to fewer negative consequences, I am illustrating that it is not a complete betrayal of her beliefs. It may not peacefully resolve Smith's own religious and moral dilemma, but it is not out of line with her values. It would benefit her client and employer by preventing their businesses from being negatively affected. In making an exception, she could still be acting in a manner that she believes is right.

When boiled down into its simplest form, it is clear that both options have some outcomes that are inherently unfavorable. There is no solution in which everything will end perfectly and everyone will be satisfied. At the same time, the consequences are not life or death. Typically, upholding one's morals may seem more important than following morally-devoid guidelines. However, the low stakes make this a different kind of issue. Smith's morals and religious beliefs are at stake, but on a mitigated scale. Her publication of the story does less external harm than refusing to publish it, which could affect her livelihood, and could create difficulties for her employer and client. While a single incomplete magazine issue probably will not result in a bankruptcy, the potential fallout of her decision is nonetheless greater if she does not publish the story. In regards to the effect of this single decision on her religious and ethical beliefs, it does not have to define how Smith works from this point on. Betraying her beliefs is certainly is not a requirement for doing her job. In this case, there was even a possibility of

avoiding the dilemma had she acted differently. All this comes together to point to what I believe is not only the most logical, but ethical course of action: publishing the story.

WORK CITED

- "Questions and Answers: Religious Discrimination in the Workplace." *U. S. Equal Employment Opportunity Commission*. USA.gov, 31 Jan. 2011. Web. 28 Feb. 2017.

- "Miller v. Davis." *Americans United*. Americans United for Separation of Church and State, 25 Feb. 2016. Web. 28 Feb. 2017.

- "Speech on the Dred Scott Decision." *Teaching American History*. Ashbrook Center, n.d. Web. 28 Feb. 2017.

- "What to the Slave Is the Fourth of July?" *Teaching American History*. Ashbrook Center, n.d. Web. 28 Feb. 2017.