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Ethical Decision Making: Balancing the Rights and Needs of Stakeholders

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Ethical Decision Making: Balancing the Rights and Needs of Stakeholders

Ethics are a subject that often baffle the greater American populace, as individuals of all walks of life and who live by various creeds attempt to consolidate their ways of life into a system that supports and protects their individual rights. Oftentimes issues of religious beliefs and practices may come into conflict while stakeholders scramble to uncover the ethical option that satisfies the most players without seriously limiting the rights and freedoms of a specific individual or group. The implications of these decisions may initially be limited in their impact, but may also spread to influence the community as a whole. The baffling nature and the unclear boundaries of ethics tends to distance individuals from ethical debates and decisions, however learning to navigate these situations is critical as it teaches people the values of compromising and of considering other perspectives on an issue. In order to determine the most effective and appropriate approach to a situation it is critical that all angles of the situation are analyzed and all potential consequences evaluated. Analyzing cases, such as that of Jess Smith, and dealing with the implications of a single case reveals larger issues about the process of compromising.

When considering the nuance case of “Jess Smith and the Design Firm” the primary concern that may become apparent to readers is the issue of censorship and freedom of speech. The issue of whether or not Smith should complete the project of the heavy metal band for the local music magazine, based solely on the content of those photographs, could be considered a form of censorship. This censorship becomes complicated by the potential repercussions that not finishing a project could have for the firm, by the fact of Smith’s practicing the Christian faith, and by the additional element that the “band’s promotion of dangerous and harmful activity was...pernicious to society” (Neeley). The situation now becomes an issue of balancing the

band's right of freedom of speech with the protection of the community at large, and Smith's personal desires with the financial interests of the firm.

In order to balance each conflicting principal, Smith must choose a course of action that does not violate the rights of the band, protects her firm's standing in the realms of economic and customer service, pursues her own convictions, and mitigates the effects of the band's message to the community as a whole. When considering the primary issue of whether or not to publish a magazine with such depictions of "devil worship and torture" (Neeley) one must first analyze what is protected by the freedom of speech. According to the judicial branch of the United States government, the freedom of speech is extended to "certain offensive words and phrases [in order] to convey political messages" ("What Does Free Speech Mean?"), indicating that any offensive qualities of the lyrics or message would not be grounds on its own to disqualify it as being protected as freedom of speech. However, this protection does not extend to "obscene materials" ("What Does Free Speech Mean?"), at which point the lines between what constitutes these materials becomes blurred. The word 'obscene' is vague even its definition. The American Heritage Dictionary defines 'obscene' as "offensive to accepted standards of decency or modesty [or] offensive or repulsive to the senses" ("Obscene," *American Heritage Dictionary*). The imprecise nature of the definition is what leads to the uncertainty over whether or not the violent photographs of the band would be protected. Society has different accepted standards of decency depending on which individuals of a community were asked.

The United States Constitution was written to be as unrestrictive as possible, therefore despite the fact that Smith's perspective that the images were blasphemous contradicts with the members of the band themselves, who would believe their music should not be limited by some individuals, and it is unlikely that the government would side with restricting the band.

Additionally, despite the fact that the content of the group's message does promote drug use and violence, such potentially obscene material seems to be most problematic when in a school-sponsored setting. Most of the regulations of what are and are not protected as freedom of speech were considered in school settings, and thus seems to indicate that outside of academia and the student body the law is more lenient with speech. If such is the case, then there would be no legal reason for Smith to censor the content of the magazine, and in the fairness of protecting the rights of every individual this magazine should not be censored.

In addition to the lack of solid evidence for censorship, there is the incentive to finish the project so as to maintain the reputation the firm has already established for itself. Maintaining the "overall satisfaction [of customers] has a strong positive effect on customer loyalty intentions across a wide range of product and service categories" (Gustaffsson, 210), and would thus make it a company priority to retain the incoming flow of business. By pushing the deadline for the magazine over, or by refusing to complete the project at all the company would be seen as irresponsible or unreliable. Since "overall evaluations are more likely to influence the customer behaviors that help a firm, such as positive word of mouth and repurchase" (Gustaffsson, 211), such damaging remarks could produce a negative reputation that would not appeal to potential clients, and former clients might refrain from deferring work towards them. By publishing the article Smith ensures potential clients are not deterred from seeking their services, and thereby ensures the security of her own position at the firm.

The secondary issue, in addition to freedom of speech, that also requires consideration, is that of the potentially harmful effects the band's message could have on society. Smith's research into the band revealed that it promotes drug use and violence in their music, which she perceived as having the potential to incite the same types of dangerous activities in society.

Smith's assumption is not completely unfounded, as there has been research that suggests listening to violent music does increase the violent tendencies of those individuals. A study published by the American Psychological Association noted that violent music does increase the tendency of individuals to have more violent thoughts, or to associate neutral words with more violent connotations. Increases in violent thoughts may "influence [an individual's] perceptions of ongoing social interactions, coloring them with an aggressive tint" ("Violent Music Lyrics"). When individuals perceive violence in their interactions they are more likely to react to the situation violently, which could then perpetuate violent crimes and decrease the safety of communities where this music is listened to.

The violence propagated by the band comes into direct conflict with Smith's values as a practicing Christian, and with the firm's mission of being socially conscious. To reduce the cognitive dissonance the individuals at the firm might experience, and to reduce any harmful results that may occur from the band's influence, Smith should attempt to convince the firm to undertake more pro bono work in this field. The institution of an outreach program designed to aid at risk individuals within the community who are particularly vulnerable to the influence of drugs and violence could counteract any damage that may be done. Community outreach programs have the potential of enacting great change if they are managed correctly, and the right resources are willing allocated to the cause. The Boys and Girls Club is a prime example of an outreach program that was able to effectively reduce the effects of both drugs and violence in a community. The results of a three year study of the Boys and Girls Club found that "juvenile crime was reduced by thirteen percent, crack cocaine presence by twenty-five percent and overall drug activity by twenty-two percent" (Freiheit, "A Critical Look"). One of the greatest reasons for why the Boys and Girls Club succeeds is that it removes children from the streets during

after-school hours, and it provides them the opportunity “to play roles on both sides of a conversation about drugs, while instructors coach them about what to say and do” (Lilienfeld and Arkowitz). If Smith’s firm could find a means of replicating such results by modeling an outreach program off of this success then children, who are the most vulnerable due to their impressionability, could be steered away from any of the negative influences such bands may produce.

While Smith may be able to employ this method with the case’s situation, it may not be financially possible to undertake this kind of work while still mitigating the effects effectively. To avoid this situation in the future Smith should discuss the possibility with her boss of turning down potential clients, on the grounds of the material they want published. Businesses are granted the right to refuse service to customers, so long as it is not on the grounds of race, color, religion, or natural origin. Therefore, limitations must be set when proposing the ability to refuse service to an individual, and a system of doing so must be established so that prejudice against certain groups within society do not govern which clients are accepted by the firm. Smith would be able to refuse service on religious grounds of moral convictions in accordance with the Religious Freedom Restoration Act of 1993, also known as the RFRA. The RFRA states that no government entity has the ability to substantially burden “a person's exercise of religion even if the burden results from a rule of general applicability” (“H.R.1308”). This means that individuals are allowed to practice their faith as they see fit, without government intervention. The RFRA does stipulate, however, that the government may place limitations on this practice if it “furthers a compelling governmental interest” (“H.R.1308”), and the government undertakes “the least restrictive means of furthering that compelling governmental interest” (“H.R.1308”). This applies to restrictions made on businesses in regards to denying service on racial or sexual

orientation biases. There are no federal laws, however, that consider underground scene groups and the messages they convey to warrant the same types of protection that the aforementioned groups do. The RFRA, then, does grant individuals the right to turn down business on the moral grounds that they wish not to perpetuate the spread of drug and violence related messages.

In Smith's case she would have the right to deny customers service on the grounds that the material they were asking her to publish went against her religious beliefs. There would need to be limitations that ensure that this right only extended in so far as to material such as the heavy metal group that she believed to be blasphemous and to pose a danger to society. The use of religion as a means of denying service to individuals of different races or sexual orientations, which in some cases do contradict religious creeds, would have to be carefully monitored. A policy should be established at the firm, where in order to refrain from publishing some material it must be passed through the partners of the firm with a report of the ethical reasoning behind this rejection. In the event the partners insist Smith continue to publish the material despite the moral objections she may have, a similar procedure of publishing the material but undertaking community service to counteract any of the effects could be undertaken. However, if the firm consistently insists that she undertake this form of work it may be in her best interest to quit the firm, as the work would no longer align with her morals and the cognitive dissonance that would ensue would cause her to lose interest in and dread her work.

While this proposed course of action is not the sole path Smith could take, it is one of the most practical. Of the options available to her, Smith also has the potential to publish the article by itself, censor the article, or quit the firm initially. If Smith were to publish the magazine without any additional actions she would be throwing aside her own morals in favor of freedom of speech. While this right to express oneself is vital to the creation of the liberal society

Americans enjoy today, its protection does not require relinquishing all other morals and beliefs. Smith's concerns about the effects that the music and messages of the heavy metal band would have on society are valid ones. Although the American Psychology Association study did not directly address the extent to which violent messages would influence public behavior, the fact that it increases the hostility of people to any extent indicates that limiting the extreme effects of the music could only benefit society. If the music does correlate with an obvious increase in drug use and violence, then publishing the magazine without any remediating actions could also negatively affect the firm. The public could blame both the magazine and the publishing company for the effects the band had on society. This negative publicity would worsen the reputation of the firm, and would likely result in a loss of business. To dampen or eliminate any of these negative effects the establishment of the community outreach program would be eliminating the prospect of public disapproval.

The second option of censoring the magazine is also flawed as it violates the rights of individuals while only having a limited positive effect on society as a whole. Censoring the magazine, either by doctoring the photographs to remove some of the more offensive symbols or by changing other content, would be directly violating the freedom of speech of the band. This censorship would likely also create a bad report between the magazine and her firm, potentially eliminating any future business with the magazine. This loss of a customer would also reflect poorly on the firm, and create the potential for the firm to lose additional clients or even repel prospective clients who would turn to firms that never censored a client's content.

Additionally, Smith's censorship would be enacting little change to benefit the community. The magazine article might expose a larger group of individuals who read the magazine to the heavy metal band's music, but is not guaranteed to appeal to a large portion of

their readers or of the community at large. Of all actions undertaken to combat drug use, the programs that showed the most promising results were those that “teach students the social skills they need to refuse drugs and give them opportunities to practice these skills with other students” (Lilienfeld and Arkowitz), as opposed to those that only teach of the dangers or those that avoid details and merely support avoidance. Therefore, censorship would not be guaranteed to help any individuals who were already exposed to the music or who may become exposed to the music and ideas through another channel Smith has no control over and has no ability to censor. The outreach program already proposed has the alternative benefit of reaching out to at risk individuals who may or may not have been introduced to the topics, and providing information and means of remaining safe around the topic, instead of avoiding them as a whole. Individuals who have learned the risks associated with drugs and violence, and especially those who have learned how to react in situations with drugs, are less likely to partake in such activities than other individuals who have no background on the subject and just see the activities as new, but not necessarily dangerous.

The third option, of Smith quitting the job after receiving this project, would make the least sense out of the options available to her. Quitting harms the most stakeholders in this situation, including Smith herself. Simply refusing the work would not prevent the material from being published, as it would only delay when it occurred and by whom it was completed. The magazine would eventually publish their article, whether Smith was the one to format it or not, and the effects of the band would still reach the same platform it would have originally. However there is no guarantee that Smith’s replacement would consider the option of community outreach. Smith’s strong sense of morals, which she garners from her faith, make it more likely for her to pursue such charitable actions as community outreach, as the Christian faith views

“morality as decisive in authority” (“The Good Life”), indicating that one should always strive to follow their moral code. By quitting Smith would also be harming the firm by damaging their relationship with the magazine, and once more damaging the firm’s reputation. Although these effects would no longer damage Smith’s job security it would also go against her beliefs that it is better to act selflessly than to “always act ultimately upon some perceived self-interest” (“The Good Life”) as egotism suggests humanity does. Smith would not be able to leave the firm in good consciousness, knowing that her actions would result in so many negative repercussions for the firm, as this plan of action harms every stakeholder from Smith, to the firm, the magazine, and the community’s safety.

The issue of ethics is a constant debate centered on discerning the best and fairest balance between the interests of all parties involved. Most of these debates are focused on ideological conflicts between individuals, as these are the issues upon which people have the widest range of opinions and beliefs, many of which do not agree with each other. Political rights and religion, in addition to one’s sense of duty are some of these ideological topics, which featured prominently in the case of Jess Smith. The balance may at first seem difficult to strike when considering the conflict of Smith’s sense of duty towards her faith and the community at large with the right to the freedom of speech which the heavy metal band is granted. The best means of protecting every stakeholder is to allow the band their freedom of speech, but to actively incite social changes that will make the community stronger whether or not the band has any impact on the behavior of society. The establishment of an effective community outreach program for drugs and violence negates any of the potentially harmful effects the band’s message might instill, while also rendering the community safer from other non-musical influences with the same message. The firm would also sustain their continued record of good customer service and

maintain their positive reputation, which would continue to bring more business into the company. Creating and enforcing the solution would take money and effort on the part of the company, however the ideal solutions to ethical problems often require some of the stakeholders to make minimal sacrifices. However, the overall outcome would benefit the rest of the community and every stakeholder to some extent.

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