# The Wicked Problem of Design Ethics

Design is a powerful tool and a heavy responsibility. It can rally us around socially progressive ideas, shaping our perceptions of race, class and gender towards inclusivity; and it can invigorate debates around environmentalism, technological advancement, and everything in between in ways that improve both our experiences and our surroundings. It can also broaden the rifts between us, and pack landfills with hazardous waste. Realistically speaking, many (if not all) designs actually contain some level of good and bad. What's clear above all, however, is that no instance of design is neutral. We didn't—and still don't—always acknowledge design in this way; in my paper, I will explore the historical context around this situation. Moreover, I will delve into the tricky implications that arise from the recognition of the non-neutrality of design, my preliminary question being: what are the social responsibilities of designers and how might they conflict with the professional responsibilities one assumes within a corporate environment? You'll find that my research had me questioning and revising this inquiry along the way, ultimately leading me to study the morally ambiguous nature of the design profession itself. This culminates in the conclusion that there is no inherent distinction between social and professional responsibility, and no iron-clad model for the perfect designer. Instead, a "good" designer is one that questions the status quo and perhaps even acts indecently when decency conflicts their own model of morality.

## Historical Context

As promised, I will begin by describing how we arrived at the idea of design as a non-neutral agent. The document that proclaims this realization most clearly and vehemently is the "First Things First Manifesto" published by Ken Garland in London, 1964. As one social designer and educator informs us, this was a time and place in which "many viewed graphic design as a tool to sell products rather than what it was actually capable of doing: making a difference within society" (Gibboney). The manifesto opposes the consumerist culture and the lack of critical thought which had fostered this perception. Garland, along with his backers, believed that the problems worked hand-in hand with the abuse of visual culture, such that a healthier zeitgeist would result from a newfound respect for design as a value-driven process. By

this logic, the manifesto commends design as a partisan and powerful participant in the formation of our world and the way we live in it.

Historical events prior to the publication of this manifesto suggest that design had always carried this power and responsibility. A 1836 report by the Parliamentary Select Committee on Art and Manufactures revealed concerns about the relatively low quality of British-manufactured goods at the time (Oshinsky). Specifically, it expressed an "aesthetic as well as morally based reaction against the rampant and indiscriminate use of ornamentation" (Oshinsky). But despite the connection between ornamentation, poor taste, and deprioritization of functionality implied by these reactions, the goods that they described sold quite well. Responding to market demand, the industry kept with their preference of decoration over form.

Fortunately, progress followed after another wave of criticism in the 1950s, partially thanks to the efforts of Henry Cole, Richard Redgrave, and Owen Jones. Respectively a designer, artist, and ornamentalist, the three contended with the status quo to impress three basic principles upon the creative community: "[1] that decoration is secondary to form; [2] that form is dictated by function and the materials used; and [3] that design should derive from historical English and non-Western ornament as well as plant and animal sources, distilled into simple, linear motifs" (Oshinsky). Such was their criteria for "good" product design, with "good" hinging on pragmatism of form and lack of visual superfluity. The result of their work, according to Oshinsky, was a reformation in the design of British-manufactured goods.

Let's break this down for clarification: designers always carried this mantle of influence, whether or not they accepted or even recognized its existence. The aesthetic of public goods can have the effect of distracting consumers from considerations of functionality and overall quality. Alternatively, through a concentrated critique of aesthetics, the design community can provide the impetus for better products, and higher public regard for such products. Thus, designers help paint a bigger picture than we may realize. Although they didn't frame their beliefs in the same manner as the "First Things First Manifesto," Cole, Redgrave, and Jones recognized this dynamic long before Garland.

**The responsibilities of the designer**

Now we understand that design is and always has been a practice embedded with power. The next order of business is to identify these responsibilities and determine if our current professional model for the designer is conducive to reaching them. I approached this inquiry expecting to find two general types of obligations: that of the designer to society, and another, to the profession. Moreover, I expected to find them in conflict. Instead, I found that philosophers, theorists, and industry leaders over the decades have generated a multitude of guidelines which treated the concerns of the two as intertwined or even synonymous.

An essential contributor to this collection is AIGA, the design industry's oldest and largest professional membership organization. AIGA offers comprehensive guides to every aspect of the graphic design business. Written in 1994 and amended in 2010, their "Standards of Professional Practice" acts as a designer's guide to their obligations in relation to clients, other designers, the public, and society and the environment. To paraphrase, it proclaims that one must (among other things):

- Act in the client's best interest within the limits of professional responsibility
- Avoid projects that will result in harm to the public
- Communicate the truth in all situations and at all times
- Respect the dignity of all audiences and value individual differences
- Consider the environmental, economic, social and cultural implications of his or her work and minimize the adverse impact

The guidelines also specify that one should "avoid working simultaneously on assignments that create a conflict of interest without agreement of the clients or employers concerned" (Crawford). Evidently, AIGA acknowledges that a designer's work effects various entities, and means to respect the rights and interests of all. In this regard, their guide is comprehensive and flexible.

This mentality prevails in many of today's designers. Countless organizations, teams, and

individuals have adopted and/or created their own version of AIGA's standards. Moreover, many have taken their responsibilities a step further, aligning themselves with a particular cause. Take for instance the Designers Accord, founded in July 2007 by Valerie Casey as a response to the United Nations' efforts to reduce global greenhouse emissions (Casey). The accord urges creatives to double down on sustainability, and to demonstrate their resolution by committing to a set of guidelines and five-year plan (both provided by the accord). Along the way, the Designers Accord also seeks to build a collective intelligence on humanitarian issues ("The Designers Accord"). It has since earned the endorsement of AIGA, Adobe, TIMES, and many other prominent participants. The two-person design team Ind.ie follows another measure of success: their self-created Ethical Design Manifesto. Based on Maslov's hierarchy of needs, this rubric portrays a pyramidal value scale comprised of human rights, human effort, and human experiences (respectively, the foundation, middle, and pinnacle of ethical design). By Ind.ie's standards, the best designs hit all levels of this pyramid.

These groups, like Cole, Redgrave, and Jones, understand that the social and the environmental are also the professional. They also imply that the "good" designer is the one who acknowledges and commits to these interests. They go above and beyond their own needs, and perhaps even those of their client and employers; they work for something bigger than themselves. These examples also demonstrate that exactly what this higher purpose is (and how one evaluates and achieves it) will vary from individual to individual and/or organization to organization.

**The Wicked Problem**

Thus far, the literature on the obligations of the designer show no inherent distinction, let alone conflict, between the social and the professional. However, this does not bring my endeavor to a halt; rather, it reinvigorates it, in the form of a new question. Consider the big issues recognized by designers and society at large: climate change, racial injustice, and gender inequality to name a few. Many of them are "wicked" problems. They resist solution due to factors such as incomplete or contradictory knowledge, the number of people and opinions involved, the large economic burden, and the interconnected nature of these problems with other

problems (Kolko). Wicked problems call for innovative solutions, which in turn call for openness to unconventional ideas. While the design community itself may embrace this as an inseparable part of their professional duties, I suspect this frees designers neither from moral judgement nor pushback from the other entities at play (e.g.: those identified by AIGA). Revising my inquiry to accommodate these realizations, I asked the following: If there are no apparently conflicts between the social and professional on the scale of theory, might they instead lie in the execution? What does this look like and how do we discuss it?

As it turns out, many prominent design practitioners have shared their experiences and opinions on this, and the general consensus is that design is indeed a breaker of boundaries, including those of social acceptability. Milton Glaser—the renowned creator of the I ❤️ NY logo and the psychedelic Bob Dylan poster—expressed in a 2001 talk that "what is required in our field, more than anything else, is continuous transgression. Professionalism does not allow for that because transgression has to encompass the possibility of failure" (Glaser). Although Glaser said this with responsibility to the client in mind, I believe the sentiment extends to the other relationships as well. A truly innovative and unique design solution, which is an expected outcome of a truly innovative and unique design problem, is never free of risk. This puts design at odds with business. Moreover, the less neutral a design, the more likely it is to stir controversy from various factions in politics, religion, and the public at large.

On this note, I found no better example of "transgressive design" than the work of Herb Lubalin. The graphic design journal Eye calls Lubalin a "political designer," elaborating that "he was never a radical, but a progressive liberal at a time when such sympathies were undoubtedly 'bad for business.' When this is compounded with his work with Ginzburg, which put him at the forefront of the 1960s free speech and anti-censorship movements, we see he was unafraid to declare his political allegiances and sympathies" (Shaughnessy). The works Shaughnessy refers to are *Eros, Fact,* and *Avante-Garde*, three magazines of which Ginzburg acted as the publisher, and Lubalin, the art director. They included some of Lubalin's best pieces: his posters for the anti-Vietnam war Democrat George McGovern; a photo-essay of Marilyn Monroe's infamous last photoshoot; as well as plenty of other thought-provoking pieces about sex, culture, and politics.

To appreciate the nature of Lubalin's work, consider the following example and the moral questions it raises. On Volume 1 Issue 4 of Eros, the pair published an interracial photoessay depicting a nude black man and white woman kissing, holding hands, and pressing their bodies against one another in intimate embrace ("Lubalin 100: Day 96"). It was entitled "Black and White in Color." One contemporary writer describes it as "innocent and tender" (Abrahams), but to say that critics at the time disagreed would be an understatement. In fact, this was a fatal move for Eros, as "the images caused an uproar within the higher echelons of power," leading Attorney General Robert Kennedy to indict Ginzburg to five years in jail ("Lubalin 100: Day 96"). They charged him with distributing obscene literature through the mail. After the ruling, charges surrounding Ginzburg's other "obscene literatures" erupted as well, exasperating his jail time and fines ("Lubalin 100: Day 96"). Realize that at this point, most already knew Ginzburg as a provocateur and pornographer, and *Playboy* had been around for nine years. In other words, the problem lied not in the project's sexual explicity in itself, but the fact that it was portrayed with an interracial couple. This was considered taboo at that time. Ginzburg crossed the line by mixing sex and race, and the critics wanted to make an example of him.

Lubalin narrowly escaped prosecution because Ginzburg fought the legal case personally. However, as the art director and curator of these pieces, his part in the transgression is clear, and his effect on society and the design profession are far-reaching. The makers of the US segregationist policies deemed interracial sex as wrong and—as suggested by their outrage at *Eros* Issue 4—they deemed interracial intimacy, as a precursor to sex, to be wrong by association. However, as an "incredibly tasteful" expression of "the simple marvel of the juxtaposition of skin tones and the simple act of humanity," "Black and White in Color" creatively challenged this attitude ("Lubalin 100: Day 96"). The controversy stirred by the work reveals how much progress society had yet to make, and it addressed the obstacles on the road to racial harmony. Additionally, Lubalin used graphic design to carve a space around politics and high-end pornography, pushing the boundaries of creative communication.

How does this inform our inquiry on social and professional obligations? It shows us that while the design community seeks to marry the two, the reality can be quite cloudy. Those who

walk down this path enter into uncharted territory and shoulder a great deal of social and professional risk. In the extreme case of Lubalin and Ginzburg, they lost their magazine, Ginzburg's personal freedoms, and plenty of money. Additionally, while rubrics can point designers towards performing ethical actions in a professional way, they are not a recipe for stability and critical acclaim. Critiquing "White and Black in Color" against the aforementioned standards of AIGA, Casey, and Ind.ie, I found that these guidelines also leave a lot up to interpretation and discussion.

For example, AIGA asks designers to "refuse to engage in or countenance discrimination on the basis of race, [and] strive to understand and support the principles of free speech" (Crawford). The interracial photo-essay not only meets, but exceeds these two goals, attempting to further racial acceptance and free speech. AIGA also requests that a professional designer "consider [the] environmental, economic, social and cultural implications of his or her work and minimize the adverse impacts." Ginzburg and Lubalin tread on thin ice here. Their works often contain shock value, which potentially attracts public antagony toward themselves as well as the subjects of the work. Perhaps even more telling is Eye's recounting of the situation: "Ginzburg had been jailed in 1972 for 'producing and distributing a magazine [*Eros*] that was judged to have abrogated the moral values and standards of society." Knowing this, years later Lubalin told [his wife]: "I should have gone to jail, too" (Shaughnessy). I believe the pair saw transgression through visual communication as necessary to achieving true justice. As a result, they made difficult calls. The results were ultimately dependent on their shared determination, and their choice to stay true to their own moral compasses over those of anyone else. Today's designers must also face with such decisions—whether big or small in scale—in their day to day.

**Through the Lens of Design Ethics**

Now that we recognize the moral complexities of design, what is a pragmatic way of working through them, if any? In "Towards a Horizon on Design Ethics," Philippe D'Anjou proposes Sartrean Existentialism as the answer. He informs us that existentialists see philosophical thinking as something which begins with the human being. We demonstrate ethics whenever we enact our understanding of right and wrong (something unique and innate to each

of us), such that we can consider decision-making as an act of accepting the momentum of one's existence (D'Anjou). However, we coexist with other people, as well as political, economic, and historical systems. Especially in the case of the designer, one is asked to commit oneself to firms which maintain, in a manner so similar to human beings, their own identities and philosophies. In this way, ethics and the normative systems which construct our corporate environments are in conflict.

He gets into the weeds of this, explaining that "by committing to something, the individual discloses his/her values, freedom, and being. Therefore, several ethical issues are related to the notion of engagement. In design professional practice, the engagement toward the employer is somehow an accepted reality and it is assumed to be dealt with through the use of specific policies; this all contributes to lessen the essence of engagement." D'Anjou draws an important conclusion: establishing rules in the workplace has the effect of eliminating choice in one's decision-making process, and ultimately reducing opportunities for ethical action. Existentialist philosophers would rather we embrace the anxiety of choice as the appropriate burden of the morally conscious individual.

I agree with D'Anjou that Sartrean Existentialism has a valuable place in design ethics. I believe it offers insight on Lubalin's life and work as well. At one point of his career, Lubalin quit as a partner in a successful agency to set up a design studio. His reason? According to Shaughnessy, "he didn't like the idea of selling things to people they didn't need. But he also did it for creative reasons because he couldn't do what he wanted to." Similarly, when Ginzburg approached Lubalin for *Eros*, the designer agreed to the unusual project on the condition that he had complete design freedom (Shaughnessy). It seems that designers with strong ethical interests ought to avoid corporate jobs in favor of a small design studio with a flat organization structure in which one's voice can count for more. Perhaps it's even beneficial to adopt a more disagreeable attitude. That being said, note that respecting one's own moral compass does not mean a designer cannot or should reject synergizing with others. At the end of the say, visual communication and culture-building are collaborative exercises. The essential bit is seeking employers, teammates, and/or partners with whom one finds mutual respect and even footing.

**Conclusion**

Through my paper, I've discovered that "good" designers are not a homogenous group defined by a plethora of professional guidelines and ethical manifestos. This is because our definitions of "good" vary from individual to individual, organization to organization, and ultimately, situation to situation; there is no one consensus. Zeitgeist also plays a role in shaping the attitudes of the general public and the philosophies of their designers. This was exemplified through my analysis of the work of Cole, Redgrave, and Jones in the second half of the 19th century, and AIGA and Casey in recent decades. The issues that dominate our priorities change with time, and our criteria for design rightly evolves alongside this reality.

Secondly, I've uncovered that our current professional model for the designer acknowledges the obligations one has towards clients, the public, society, the environment, and more. It also acknowledges the potential for conflict between the designer and any one of these other entities and allows those involved to make their own decisions when the need arises. This is especially important when considering the non-neutral nature of design, and the necessity for each of us to harness our own momentum in the right direction, as encouraged by the Sartrean Existentialist philosophers. Whether one attempts this through projects as risky as those of Lubalin and Ginzburg, or in small ways in one's day to day work as a designer, we must continue disrupting outdated beliefs and systems for the better.

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