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Ethics and Design: An Adulterous Matrimony

Little did I know, that when I was about to purchase a new printer, I was entering a world of pain. I recently came to need a printer for school purposes. My immediate family has never owned a printer before and I needed something cheap, efficient, and delivered soon. So I went on amazon and bought the device which sits at my feet right now, an HP Deskjet 4100. The advertisements described an automatic ink delivery system and interconnected “smart” printing among many other features that commonly adorn our ever connected technological networks. I soon came to discover the reason for its cheap price of \$99.99: it sucks. The printer often won’t receive print jobs and at times I’m required to tirelessly fiddle with wires and wifi networks until the printer activates. Sometimes this can take more than 24 hours which offsets my workload unpredictably. Not only was the overall function of the machine lackluster, but the seemingly convenient ink delivery system and other “smart” functions were flawed, unreliable, and a subversive ploy to access consumer data. By having constant internet connectivity with the printer, HP could monitor what I printed, how often I printed, and what I used printing for. All of this was used for marketing research and thus the interface was designed with few functions that actually catered to the user. This printer models the heart of the current state of malfunctioning capitalism among many other facets of poor design; where the design of something is made without regard for the consumer and instead for the profit or convenience of the producer. This is a fundamental failure of design and ethics.

Design appears in every aspect of our civilization and reality, even the design of civilization itself. It relates to how anything whether it may be a product, service, or system is structured for the user to interact with or use. The design for our understandable universe is governed by various physical laws (for example Gravitation, the Conservation of Matter and Energy, etc) which scientists have discovered and are eternally striving to surpass. Design doesn't just govern our laws of electro-magnetivity though, anything from the artificial constructs of the Internet to the much more tangible blueprints of a skyscraper has a design. However, just as people have come to accept that they cannot fly without a plane, many of us have come to accept and take for granted many, perhaps poor designs without believing we have the power to change them. **Though the human race** has become as innovative as ever, we have major flaws of design awaiting us around almost every corner of our existential experience. In fact technological developments often correlate with progressively wider disregard for ethical considerations, and have produced an ugly framework for our lives. The decline of ethical design, while set in motion by corporate culture, is sustained by common widespread repudiation from ethics and ethical **decision making**.

To begin, we must understand poor design and identify good design. Dieter Rams, a German designer famous for multiple innovative yet simple designs, has ten highly regarded principles of design; “good design: is innovative, makes a product useful, is aesthetic, makes a product understandable, is unobtrusive, is honest, is long-lasting, is thorough down to the last detail, is environmentally friendly, and involves as little design as possible” (Domingo). A good product then will be original, pleasing, market honestly, sustainable, simple, and straightforward among other descriptions. When we begin to analyze certain designs with these principles we often see that they fail to meet these principles. For example, social media sites and many other

large tech companies while providing many useful devices, often compromise our personal data without care. This violates the unobtrusive, honest, and understandable characteristics of good design as most personal data is taken without clear, informed consent. Another unethical design can be seen in manufacturing. Factories are highly efficient but often see a lot of waste or pollution as a by-product, which violates the environmentally friendly and aesthetic characteristics. Design flaws such as these are ultimately a large scale issue and have grown to characterize the constructs of society in many ways.

Perhaps the most important issue pertaining to design is the realization of how design can shape lives. Design has a huge power over the way people interact and usually determines the scope of their abilities. Think of how the DMV works. Their entire process of distributing drivers licenses is part of a design. That design determines not only the laws of driving, but determines when a person is allowed to drive and intrinsically defines parts of that person's life. Driving while conducive to freedom isn't the biggest factor in people's lives (for example, in New York many forgo owning a car). Think of the design of much more important things such as the Criminal Justice System. Though it stems from the Bill of Rights which was designed under great consideration, the design of our criminal justice system often eludes the sanctity of justice. According to an issue brief on the criminal justice system, "people from the lower class are more likely to be incarcerated, charged, convicted, sentenced to prison, and given longer prison terms, than people from the white collar and elite class. The very system that aims at diminishing crimes and protecting communities has become a crippling governmental mechanism used to target and further oppress the poor" (Perez). This is a system often dependent on the quality of representatives of the persecutor and the defendant. The quality of these representatives can vary largely and more often than not is a factor of socioeconomic status. If you are more wealthy or

are part of a wealthy organization you can afford a better lawyer, or even better, a team of excellent lawyers. In that characteristic, those with a higher socioeconomic status are more likely to win the case in their favor. The criminal justice system can very tangibly define a large part of anybody's life and yet its design is clearly flawed in equality and equity. Once the consequences of design are examined, we begin to understand, as Woodrow Hartzog describes, “design is a major ethical issue because... power can and always is used for political ends. By definition, it allocates power between platforms and users. And it is never neutral” (Selinger). But this is a larger issue, it applies to the healthcare system, political design, education, and the quality of life, all of which are heavily influenced by socioeconomic status and skewed in favor of those with economic advantage.

The full range of the influence of design can be much more severe than just hindering one's socioeconomic growth as terrible as that is on its own. **Design** inherently conditions people. It can literally define the ways in which we permit ourselves to think and behave, shape the ways in which we define ourselves, limit our creativity. It is the box which we are trying to escape eternally. The consequence of this is that design can be used to erode a person's agency. In a research paper published by the Benjamin Cardozo School of Law, Brett Frischmann examines how digital contracting, while designed for efficiency and ease of access, often is harmful as it conditions people to automatically accept contracts which may or may not be in their favor (Frischmann). Frischmann's analysis revealed that this problem stems from “choice architects” which in light of making a website more usable, often disregards the importance of critical decision making. Think of those extensive and tedious terms and conditions which many online websites rely on. Even outside of the digital realm, contracts are often extensive, arduous readings which are incomprehensible to the reader. By streamlining the process, choice architects

limit the agency of the user. As Frischmann describes it, “freedom of contract requires the correlative freedom from contract. When contract becomes automatic and ubiquitous, both disappear; there is no freedom” (Frischmann). Frischmann was discussing the design of contracting, but this principle is applied to all design. Each designer is in their own respective field a choice architect. By creating a design, one creates a choice, but often that choice feeds back to the system of the design itself and can rarely escape from it. To escape from a design one must leave its system, for example succeeding and forming a more “perfect” union. This ideology is heavily explored in the Matrix trilogy. The entire world of the matrix is a design where choice or rather the illusion of choice is used to enslave the entirety of humanity. This is accomplished by removing the choice to leave the matrix and systems of control. Instead people inside the matrix simply believe all they can do is choose what they do inside of the matrix. It can be said then that design can be used to shape the way entire civilizations act or behave, and thus design should never be taken for granted or immediately accepted.

One might ask though, how is it that bad design has become such a widespread issue? How did an industry focused on innovation begin to add more constraints to society rather than reduce them? One of the main factors which influenced the growth of poor design was centered around corporate america. In a recent interview, Elon Musk discussed how corporate america hasn't prioritized innovation and product improvement enough but instead is consistently focused on financials (“*Too many MBAs ruining companies*”). He even coined this concept with the term, “the MBA-ization of America”, which reinforces how corporate business practices generalize the true purpose of a company, which is to serve the customer. Furthermore, there is often a large separation between the factory floor and the corporate population, which only serves to reduce a sense of social responsibility in both the corporate and industrial workers of

the firm. This issue doesn't only exist in the landscapes of white collar and blue collar workers though. The lack of social responsibility can arise in almost anybody who "doesn't care". Our human capital, the worth of our work and effort, is exploited exceedingly without care for the person behind it. The film, *Fight Club*, examines this beautifully and shows an escape from the design of corporate culture. In a monologue from the film, the narrator describes the corporate influenced culture of America as, "an entire generation pumping gas, waiting tables; slaves with white collars. Advertising has us chasing cars and clothes, working jobs we hate so we can buy shit we don't need. We're the middle children of history, man. No purpose or place" (*Fight Club*). Through this aspect, unethical decision making has naturally seeped into daily lifestyles; people aren't bred to care what they do and so they act unethically to gain advantage or rebel against the system. They break the rules of society without hoping to build a better one, and in that they become hypocrites and perpetrators of that very system. This is the box which defines so many of our lives in the 21st century; a perpetuating unethical design.

How do we fix an issue such as this? *Fight Club* answers this prompt with a rejection of society and morphs into anarchy and destructive urges, however, this is also unsustainable. Somehow we must transition from not many people behaving critically ethical to almost everybody acting under sound ethical principles. Each person needs to feel responsible to behave ethically and thus we need to understand responsibility. Responsibility is inherently a social construct. Responsibility cannot be defined internally, but by one's duty and manner of interacting with an external force. If one is alone on a barren planet, they have no responsibility to preserve the health of the planet except for him or herself, it is essentially that person's planet. If the planet is densely populated the situation has irrevocably changed, one must find a way to ethically coexist and share the planet. So if the greater part of the population has rejected ethical

decision making because of a poorly designed system, our leaders will not have an environment for which there is a responsibility to uphold ethics. It is a positive feedback loop, poor leaders breed bad ethics in a population which breeds even worse leaders. According to Frank Pasquale, a law professor at Brooklyn Law School, “the days of being optimistic about self-regulation are over, even though the prospects aren’t good for bold governmental approaches” (Selinger). It becomes clear that design won’t be improved by those who find success and prosper in poor design. Improvements come from failures, not successes. Democracy is similar to ethics in this nature. Benjamin Barber, a political theorist and author, once wrote:

The logic of democracy begins with public education, proceeds to informed citizenship, and comes to fruition in the securing of rights and liberties. We have been nominally democratic for so long that we presume it is our natural condition rather than the product of persistent effort and tenacious responsibility. We have decoupled rights from civic responsibilities and severed citizenship from education on the false assumption that citizens just happen. We have forgotten that the “public” in public schools means not just paid for by the public but procreative of the very idea of a public. (Barber)

Redesigning our world to become more ethical must then be a unitary effort. Each person has to uphold ethical standards and practices as part of their “civic responsibility”. Furthermore, since ethical decision-making, “is a muscle that needs to be exercised lest it atrophy” (Selinger), this must be a continuous effort. It is not enough to pass a workplace ethics course and then never think of its contents again. Perhaps you carry around a notecard of questions which help you stay ethically centered whenever you make a decision. Whatever form it may take, each of us needs a clear ethical manner in which we conduct ourselves, otherwise we might create vulnerabilities for others to be exploited.

As mentioned earlier, there is an obvious inherent disconnect between ethical decision-making and the way our society and economy is designed. Therefore, along with more robust ethics implementation, there must also be a restructuring towards equitable empowerment to eliminate socio economic blockades which often corrupt or prevent ethics integration. For example, if legal codes were much more accessible, the socioeconomic factor in representation quality would become smaller if not eliminated. Or perhaps instead of sequestering detainees solely with their Miranda rights, we isolated them with various articles of legal code that pertained to what they were arrested for and what their case may be relevant to. This application of accessibility needs to go across the board. In a world where being informed and equal to your peers is the standard, ethical decision making can become integrated seamlessly.

One of the most important aspects of equitable empowerment stems from information accessibility. From the American Journal of Economics and Business Administration, there are three key considerations for information accessibility, “one must have the intellectual skills to deal with information... one must have the access to the information technologies which store, convey, and process information... one must have access to the information itself. This requirement returns to the issue of property” (Masrom). Lucky in the 21st century, improvement in these areas is forthcoming. The first requirement, “one must have the intellectual skills to deal with information”, relies heavily on education. In the COVID pandemic, education has become much more accessible through the means of online education. It is possible that as an outcome of this that cheap methods of education might become much more effective and efficient for teaching. Despite this, post-secondary education can still have large cost limits and acts as a blockade towards information accessibility. The second requirement, “one must have the access to information technologies which store, convey, and process information”, relates to the

accessibility of computers and the internet. Computers are expensive, some are more expensive than a person's monthly rent, and besides that internet connectivity is not always accessible in low income areas. Some are fortunate enough to have access to a computer and internet through local libraries, however this is still a large issue for concern as access to information technologies is perhaps the biggest socio economic blockade. The third requirement, "one must have access to the information itself," relates to simply being able to access information once you are literate and on a computer connected to the internet. The internet is host to the largest collection of information ever conceived before, but not all of that information is free; most books, articles, and databases are still subscriber limited and thus act as yet another blockade towards information accessibility. There are some exceptions of course. Free databases, informational, and educational sources such as TedTalks, PBS KVIE Nova, and NCBI, among others are exceptionally informative sources that are made publicly available through the internet without any additional fees. These blockades of informational and intellectual capital are ultimately the most unethical and limiting of designs that we still maintain in our society. Finding ways to move past these designs and towards a more equitable future to ethically empower earthly citizens is a new goal for the 21st Century.

Design is something that often eludes us. The entire construct of our reality is a design. The physical laws of space and time are the design of our reality and often we fail to question or attempt to escape the confines of gravity or the repulsions of electromagnetic charges. But design is always something we should analyze and in the wake of analysis we should question. Dieter Rams once said to "question everything generally thought to be obvious" (Weyenberg). In the light of this pursuit, the innovators of the future hope to reimagine our world. A world perhaps where we aren't limited by the compromising designs of cocaine addicted stockbrokers on wall

street or an underfunded education system. Maybe we could hope to live in a sustainable harmony with the planet or have digital interconnectivity which doesn't surrender the privacy and consent of individuals. Each of these will come with time. Maybe not soon, but if we keep asking the right questions, and provide meaningful and ethical answers, it just might be inevitable.

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