



# Shouldering the Responsibility

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GRAPHIC DESIGN, FREE VS ETHICAL  
SPEECH, AND ACCOUNTABILITY

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Purpose: Inform graphic designers about differences between free and ethical expression and responsibility.



DEFINE FREE SPEECH AND  
EXPRESSION AS COVERED BY LAW



DEFINE ETHICAL EXPRESSION AND  
CONSIDERATIONS FOR ETHICAL  
DESIGN



EMPHASIZE RESPONSIBILITY FOR  
DESIGN AND ITS IMPACT ON  
SOCIETY

**Knowing the difference between free speech and ethical expression, including in written and graphic form, is imperative for any graphic designer, as all who design have a responsibility for how it impacts others.**





# Why Listen To Me?

Just because you *can* say something doesn't mean you *should* say it.



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## I understand the cost of doing business.



Experience: Over 17 years working in healthcare software industry as a technical writer handling PHI. with annual testing on HIPAA guidelines, rules, and consequence-awareness (hefty fines and jail time)



In practice: Over 20 years working within ethical expectations to accurately represent products without false claims



Responsibility: Protect ethical ideals, understand limits of law, and know where a graphic designer has room to be creative

Knowing the difference between free speech and ethical expression is imperative, for all who design have a responsibility for how it impacts others.



# Defining Free Expression

AMENDMENT 1.2.1 FREEDOM OF SPEECH,  
CONSTITUTION OF THE UNITED STATES OF AMERICA

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

Satire is covered by law thanks to “the pornographer versus the preacher” case.

**Jerry Falwell talks about his first time.\***

**INTERVIEWER:** But your mom? Isn't that a bit odd?

**FALWELL:** I don't think so. Looks don't mean that much to me in a woman.

**INTERVIEWER:** Go on.

**FALWELL:** Well, we were drunk off our God-damn asses on Campari, ginger ale and Fire and Brimstone—at the time. And Mom looked better than a Baptist whore with a \$100 donation.

**INTERVIEWER:** Wasn't it a little cramped?

**FALWELL:** Not after I kicked the goat out.

**INTERVIEWER:** I see. You must tell me all about it.

**FALWELL:** I never really expected to make it with Mom, but then after she showed all the other guys in town such a good time, I figured, "What the hell!"

**INTERVIEWER:** Campari in the crapper with Mom... how interesting. Well, how was it?

**FALWELL:** The Campari was great, but Mom passed out before I could come.

**INTERVIEWER:** Did you ever try it again?

**FALWELL:** Sure...

Campari, like all liquor, was made to mix you up. It's a light, 48 proof, refreshing spirit, just mad enough to make you drunk too much before you know you're schnockered. For your first time, mix it with orange juice. Or maybe some white wine. Then you won't remember anything the next morning. **Campari. The mixable that smarts.**

**CAMPARI** You'll never forget your first time.

\*AD PARODY—NOT TO BE TAKEN SERIOUSLY

The Hustler magazine ad that sparked the US Supreme Court case HUSTLER MAGAZINE and Larry C. Flynt, Petitioners v. Jerry FALWELL, 1989





## FREE SPEECH

Prevents the government from censoring, restraining, or otherwise interfering with the message an entity is trying to express

[uscourts.gov](https://uscourts.gov)

# Free Speech Includes the Right...

- ❖ Not to speak
- ❖ Of students to wear black armbands to school to protest a war
- ❖ To use certain offensive words and phrases to convey political messages
- ❖ To contribute money (under certain circumstances) to political campaigns
- ❖ To advertise commercial products and professional services (with some restrictions)
- ❖ To engage in symbolic speech, (e.g., burning the flag in protest)
- ❖ To advertise, as long as it is not false or misleading and not illegal or harmful

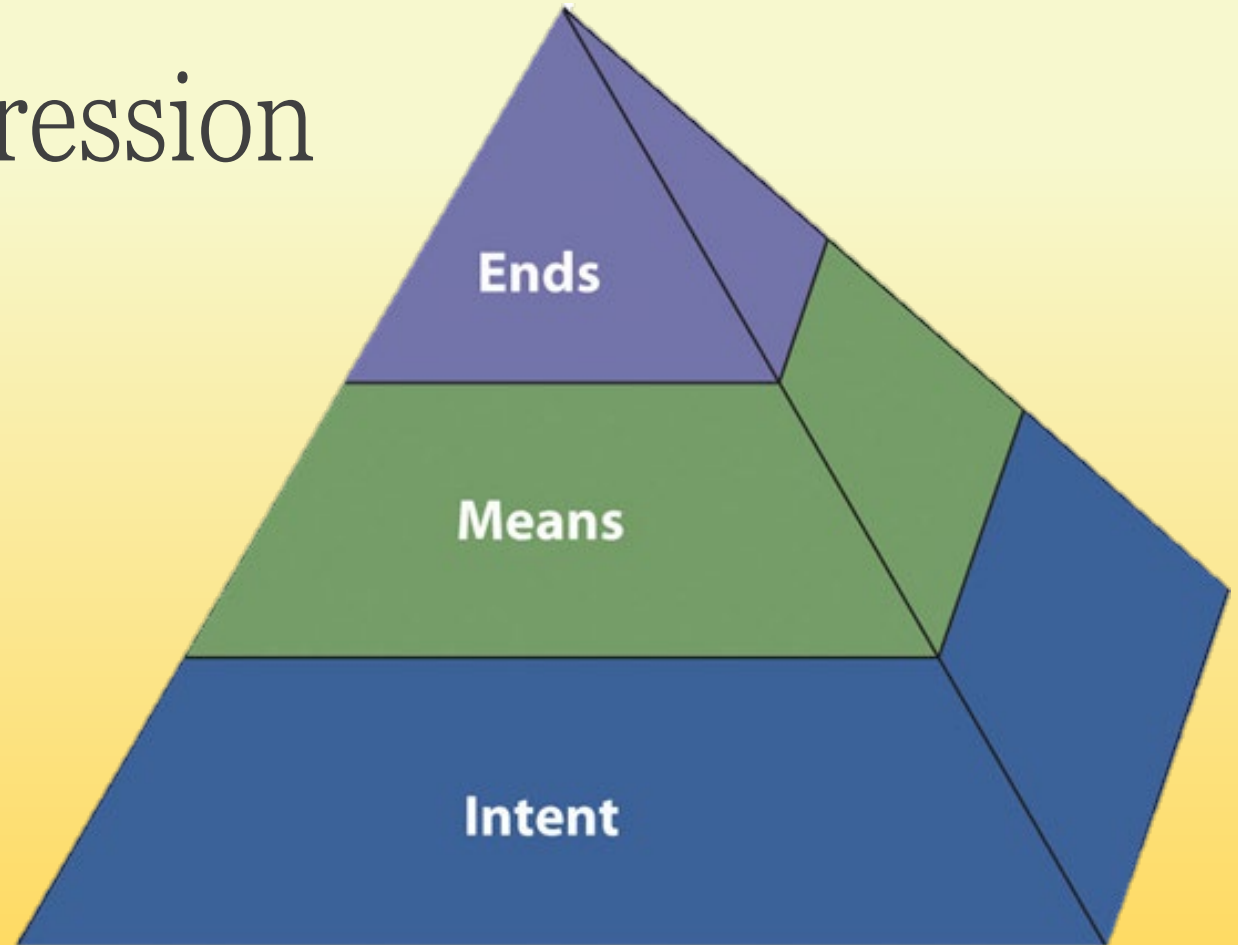


# Defining Ethical Expression

## ETHICAL SPEECH

Expression based on the merits of honesty, integrity, dignity in the means, respect for others, and intent while considering whether the method of behavior involved justifies the end result or goal.

**Dr. Elspeth Tilley, 2005**, The Ethics Pyramid: Making Ethics Unavoidable in the Public Relations Process. *Journal of Mass Media Ethics*



Sometimes it is the negative space, where a portion of society is not represented, that speaks the loudest.  
With that in mind, ethics play an enormous role in design.



# Ethical Expression Matters...



Alcoa Aluminium, 1953

Post-WWII ads often portrayed women as unintelligent and easily amazed to combat the independence attained when working outside the home during the war. AKA the Return to Domesticity.



Dove, <2011 and ^2017

Implications: black and brown skin are "dirty" while white skin is "clean".

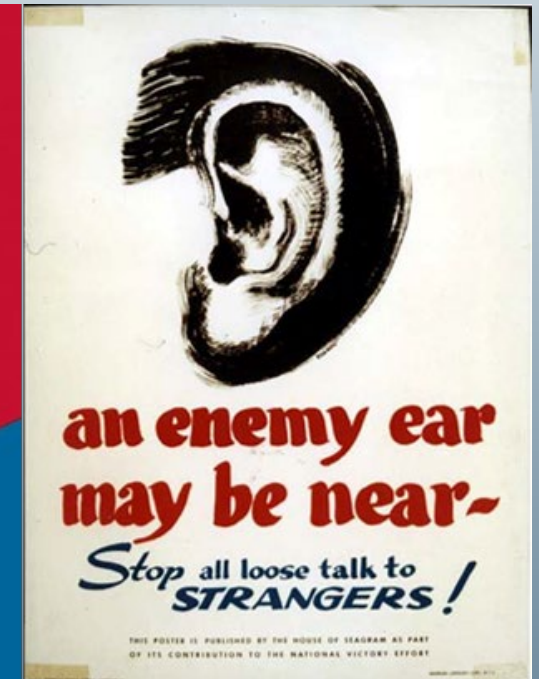
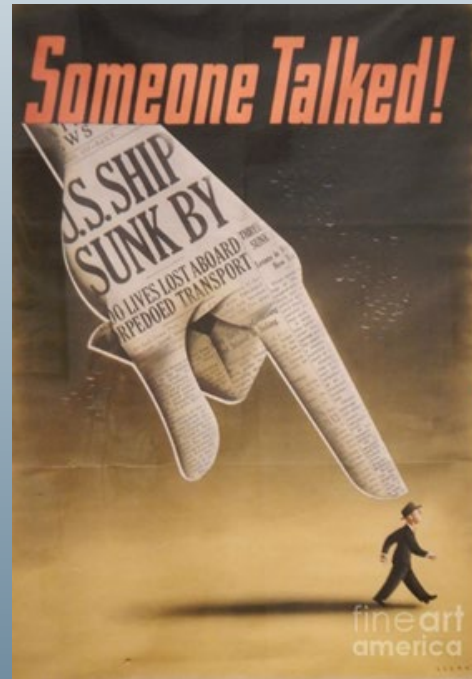


# What About Sabotage & Propaganda?

*General Interference with Organizations and Production*

- (1) Insist on doing everything through "channels." Never permit short-cuts to be taken in order to expedite decisions.
- (2) Make "speeches." **Talk as frequently as possible and at great length.** Illustrate your "points" by long anecdotes and accounts of personal experiences. Never hesitate to make a few appropriate "patriotic" comments.
- (3) When possible, refer all matters to committees, for "further study and consideration." Attempt to make the committees as large as possible — never less than five.
- (4) **Bring up irrelevant issues as frequently as possible.**
- (5) **Haggle over precise wordings** of communications, minutes, resolutions.
- (6) **Refer back to matters decided upon** at the last meeting and attempt to re-open the question of the advisability of that decision.
- (7) Advocate "caution." Be "reasonable" and urge your fellow-conferrees to be "reasonable" and avoid haste which might result in embarrassments or difficulties later on.
- (8) **Be worried about the propriety of any decision** — raise the question of whether such action as is contemplated lies within the jurisdiction of the group or whether it might conflict with the policy of some higher echelon.

CORPORATE REBELS



Koerner (1941-1945), The Ad Council,  
War Advertising Council (1942-1945)  
Essargee for Seagrams (1943)

Sometimes the brief is sabotage, which just might save lives. (Donovan, W., 1944)





# Responsibility – Take It. It's Yours.

Sometimes the brief is satire. If your assignment is to produce imagery that makes fun of a person's physical features or mannerisms, understand there is a real person behind the lampoon. Those in the public eye understand certain parts of themselves become fodder, but it is within each designer's personal power to decide how far to take the joke.

Sometimes the brief is stereotype. Producing artwork that pigeonholes a particular demographic is harmful both to the maligned group and the rest of society that buys into the stereotype and reinforcement from the media.

Sometimes the brief is sabotage. If you are called to participate in civil disobedience, understand the impact you will have. Your designs may become the propaganda that bolsters one side and demoralizes another. Take responsibility for what you put out into the world.





# References

Ad Council (1942).

Addy, S., & Gerson, V. (2019, June 1). *Reflective Tools and Ethics in Design*. andso Graduate Journal of Graphic Design. Retrieved January 13, 2022, from <https://academics.design.ncsu.edu/andso/2019/05/20/reflective-tools-and-ethics-in-design/>

Alcoa Aluminum. (1 January 1953).

<http://www.seejenwrite.com/weakness-experts/30-delmonte-ketchup-you-mean-a-woman-can-open-it-1953/#.WG91bPmLTIV>, Public Domain

Alder, S. (2022, January 07). What happens if you break HIPAA rules? Retrieved February 06, 2022, from <https://www.hipaajournal.com/what-happens-if-you-break-hipaa-rules/>

CreativeCommons.org. (n.d.) (2010, 07-31). *Responsibility*. Ethics in Graphic Design. <https://www.ethicsingraphicdesign.org/>

Donovan, W. (1944, January 17). *Simple Sabotage Field Manual by United States*. Simple Sabotage Field Manual. Retrieved January 14, 2022, from <http://www.gutenberg.org/ebooks/26184>

Essargee. (1943) *An Enemy Ear May Be Near*. Hagley ID, Box/folder number, Seagram Company World War II posters (Accession 2004.258), Audiovisual Collections and Digital Initiatives Department, Hagley Museum and Library, Wilmington, DE 19807

HUSTLER MAGAZINE and Larry C. Flynt, Petitioners v. Jerry FALWELL. (1988, February 24). No. 86-1278, 485 U.S. 46 108 S.Ct. 876 99 L.Ed.2d 41 <https://www.law.cornell.edu/supremecourt/text/485/46>

Koerner, (1941-1945). *Someone Talked! U.S. Ship Sunk By [Advertisement]*. American School, (20th Century), American propaganda poster.

# References

L, J. (Ed.). (2015). Advertising is Protected by the First Amendment. Retrieved January 28, 2022, from <https://www.lawpublish.com/amend1.html>

Martin, C. R. (1942). Free speech doesn't mean careless talk! [Cartoon]. (01/1942 - 11/03/1945). In *U.S. National Archives and Records Administration* (Vol. Still Picture Records Section, Special Media Archives Services Division (NWCS-S), War Production Board, compiled 1942 - 1943 (National Archives Identifier: 533858). Washington, DC: Office for Emergency Management. War Production Board.

Santana, María Cristina. (2016). "From Empowerment to Domesticity: The Case of Rosie the Riveter and the WWII Campaign." *Frontiers* [www.frontiersin.org/articles/10.3389/fsoc.2016.00016/full](http://www.frontiersin.org/articles/10.3389/fsoc.2016.00016/full).

Tilley, E. (2005). The Ethics Pyramid: Making Ethics Unavoidable in the Public Relations Process. *Journal of Mass Media Ethics*, 20, 305–320.