

Joseph Ellin's Commentary on "Disposing of Toxic Waste"

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Disposing of Toxic Waste

L. Bryan Springer is ordered to dump a drum of coolant in a way that seems to him to be both illegal and harmful to the environment. He 'ponders his options.' What are they? He has at least ten. He could comply and (1) keep quiet. He could comply, but report Max's illegal orders, either (2) within or (3) outside of the company. Or, (4) he could refuse, quit, and keep quiet; or refuse, quit, and report Max either (5) within or (6) outside of the company. Or, he could refuse and wait and see if Max fires him. If Max does, L. Bryan could (7) leave the company quietly and get another job; or (8) threaten Max with reporting him in the hope that Max will not fire him after all; or, report Max after being fired, again either (9/10) within or outside of the company.

Should L. Bryan identify and analyze these options and try to figure out which is the best? One might wonder whether Bryan's position justifies his making a moral and intellectual crisis of this incident. One view would be that morality is 'situation independent'-- that every illegality or immorality must be confronted, no matter who you are or what your relation is to the wrongdoer. On this view, all that triggers the moral necessity to act is, knowledge of the wrongful act. Given that you are required to do something, it follows that you ought to carefully consider your options and try to determine which is the morally best. On the other hand, perhaps it is relevant that L. Bryan holds merely a summer job as a forklift operator, presumably low-level, though well-paid, unskilled labor. He has no personal, professional or financial connection to the company, which to him is merely a meal-ticket back to college. Is it his responsibility to see that this company's wrongful actions be corrected? In personal relations, there is a principle of minding one's own business: sometimes it is best to overlook what people do, even things you find distasteful or even shocking, just because it is not up to you to interfere. Might not such a principle apply to certain employees? On this view, more than knowledge of the wrong is necessary to justify some reaction to that wrong. It is hard to say exactly what that 'more' might be, but following the analogy of personal relations, perhaps one ought

to have a sufficiently strong or close connection with the wrongdoer.

One reason for the 'mind your own business' principle is that one thing leads to another. If you do interfere in something you find unpalatable, you may find yourself drawn more deeply into a situation than you anticipated or are prepared to handle. Therefore unless you're already involved through your relationship with the parties, you should stay out. In this case, refusing Max's order might not only get L. Bryan fired, but would put him in the position of having a second and a third decision to make--whether to fight to retain the job, and whether to report Max within the company or to an enforcement agency. Refusing to dump the coolant and then just walking away from the bad situation (knowing that Max will just hire someone else who's probably going to be more compliant) might not seem like an ideal, or even an acceptable, solution. L. Bryan is not an engineer, not even a graduate student, but only a college student who has (presumably) neither the knowledge nor other resources necessary to make a long-term fight out of this violation. So perhaps L. Bryan might be forgiven if he were to take Max's advice and do what he's told.

Yet in the present case, L. Bryan does not merely find out about the illegal dumping; he is being ordered to perform it himself. This makes it more difficult--but not out of the question--to claim that it is not any of his business. L. Bryan evidently does not share Max's cynicism about environmental regulations, and his words to Max seem to indicate that he has strong convictions against violating the regulations and possibly harming the environment. So he must examine his conscience and see how strong these feelings really are. If they are as strong as his words seem to indicate, then it is clear that he has little choice but to refuse Max's order and see what Max does about it. He can hardly justify the claim that he's only following orders and that it isn't important enough to worry about, when on his own principles dumping toxins is important enough to worry about.

So L. Bryan has a lot to think about. Before he refuses Max's order, he might consider some of his options, for example, whether, should Max fire him, he wants to fight to keep the job, perhaps by threatening Max to report him to somebody, if he is willing and able to do that. But if he chooses to take this route, he has to be sure he's going to follow up. Of course he also has to consider what he'll do if Max backs off. Should he report Max's practice anyway? Suppose Max tells L. Bryan he doesn't have to dump the coolant and then assigns him to some other job. Should L. Bryan assume that the illegal dumping is going on as before (they've been doing it for years after all, long before L. Bryan came around); and if so, then what does he do?

He might feel obliged to snoop around and find out, with a view to reporting Max anyway. After all, if he stops at simply getting himself out from under the order to do the dumping himself, all the while suspecting that the illegal practice is continuing, he might be guilty of 'clean hands'--i.e., the position that it's okay if dirty things go on as long as I don't have to do them. So the situation is more complicated than college-student L. Bryan is likely to imagine at first blush, when in the rush of indignation he challenges Max by contradicting his claim that "nothing's happened" so far.

Considering the open-ended commitment L. Bryan might find himself taking on if he decides to make an issue of this incident, I think there is room for the conclusion that given his limited relationship to the company, he might honorably decide that there is no real reason to get involved with this problem. The whole thing can be regarded as a marvelous learning opportunity.