

MANAGING SPEECH RIGHTS

Special Issue Proposal for *Philosophy of Management*

Call for papers

Introductory outline

Free speech is widely celebrated, yet its precise meaning remains a source of profound and irreconcilable dissensus (Eabrasu, 2019). The dispute over free speech is especially challenging in business contexts. Since business relations continuously test the leaky boundary between the private and the public spheres, they implicitly generate a host of situations where the definition and the application of the right to free speech become subject to controversy. One of the aspects that is primarily covered in these debates is the corporation's right to free speech (Stoll, 2005, 2015). While scholars have examined questions concerning free speech rights that stem from the moral and legal agency of the corporation itself (Hasnas, 2017), discussion of other issues with respect to free speech in corporate contexts is not so well understood. Further analysis is likely to be required concerning the speech rights of executives, managers, and other employees (Anderson 2017; Bebchuk & Jackson, 2010; Barry 2007). Therefore, in addition to discussing the nature, limitations, and consequences of a corporation's right to free speech, further analysis of how speech rights are internally managed in day-to-day operations is still very much needed.

This is precisely what we call for in this Special Issue. We invite scholars interested in studying speech rights to shift their attention from the macro standpoint (at the corporation level) to a micro perspective (at the management level, including managers' actions, decisions

or decision-making processes). More specifically, and in line with the scope of the journal *Philosophy of Management*, we call for research that deploys philosophical analysis to assess how speech rights are managed within the organization. We are mainly interested in scholarship that uses a philosophical lens to assess how speech rights are managed inside the firm, not only to deepen a less explored research path but also to shed new light on extant conversations. In doing so, we encourage scholars to revisit, rejoin, and reconnect a host of separate discussions on various topics spanning from whistleblowing (Loumansky & Lewis, 2013; Katz & Lenglet, 2010; Vandekerckhove & Tshuridu, 2010) to censorship (Barry 2007; Messina, 2022, 2023).

Topics of interest

The following topics represent a non-exhaustive list of suggested directions for addressing this research gap:

- **Conditions for tolerating or limiting speech rights:** There is a thin line between exerting the right to speech to expose unethical or illegal activities within the company and merely retaliating or harming the company image. Papers could inquire into conditions under which managers can or should ensure that freedom of expression in a company remains morally acceptable. Can speech rights self-regulate in a company, thus avoiding undesirable or negative consequences? How can we ensure that all voices, especially those from marginalized groups, are heard and respected and that a loud minority does not dominate the agenda? Under which circumstances must companies be wary of suppressing speech that promotes hate, discrimination, or harassment, creates political or religious tensions in the workplace, breaches confidentiality rules, or discloses trade secrets?

- **Censorship and self-censorship:** With the increasing uses of social media, employees' posts can reflect on their employers (with or without the employers' consent). To what extent and under which conditions is it morally acceptable for managers to protect their firms' interests by monitoring and potentially censoring employees' online activities (on and off-duty)? On which moral grounds is it acceptable, required, or forbidden for employees to self-censor? Under which conditions is it morally appropriate for hiring coordinators to use an applicant's social media presence to determine whether or not to hire them? How do speech and privacy rights relate to each other in this context?
- **Training and Awareness:** Assuming that assessment and understanding of speech rights and their applications are essential for a company, questions arise regarding managers' training and awareness. How can manager know and prepare what constitutes morally acceptable speech? How can such training be effective? What are the ethical assumptions, biases, or implications of such training? What role(s) might trade associations and other business associations play in coordinating around commitment to free speech? What might be the costs of these associations of such an approach?
- **The value of speech rights.** Fundamental to the debate on political free speech rights is the source of the moral and political value of free speech. Is the right to free political speech intrinsic or merely instrumental to other desired outcomes? Likewise, in the essentially transactional business domain, are speech rights valued per se or only as they fulfill, directly or indirectly, a specific (not necessarily financial) goal? Are there business-specific reasons for tolerating a range of types of employee speech? Or is commitment to non-retaliation against employees for their speech best understood as an external constraint on corporate social responsibility?

- **Contract and law.** Employees often believe that their speech enjoys protection from employer sanction even when it does not (Rudy 2002). On the one hand, this suggests that employees are not overly worried about how their speech can jeopardize their career. On the other hand, it raises the possibility that employees might value having contractual protections for their speech. To what degree are employees willing to take less in traditional compensation (e.g., salary) in exchange for speech protections? If they are not, in general, willing to make such tradeoffs, to what degree should the law step in to do what they are not willing or able to do on their own?
- **Conceptions of diversity.** Given (1) the importance of work to quality of life, and (2) the reality of pluralism in civil society, firms may appear to have a strong moral reason, grounded in diversity, for tolerating employee speech, regardless of its political viewpoint. Tolerating such diversity can help firms benefit from what Page (2017) calls the diversity bonus. But diversity of the sort that generates productivity gains comes in many forms, and a viewpoint-neutral approach might make it more difficult for firms to realize diversity along dimensions other than viewpoint (e.g., gender, racial, or socio-economic diversity) (Muldoon 2022). How should firms conceptualize diversity, and why should they care about it? To what extent does employee speech promote or compromise this value? How does suppressing and/or encouraging free reign in employee speech impact corporate culture, both in encouraging a sense of respect and belonging as well as in avoiding the creation of toxic work cultures of harassment that may violate workers' rights?

References

- Anderson, E. (2017). *Private Government: How Employers Rule Our Lives and Why We Don't Talk About It*. Oxford University Press.
- Barry, B. (2007). *Speechless: The Erosion of Free Expression in the American Workplace*. San Francisco, CA: Berrett-Koehler.
- Bebchuk, L. A., & Jackson, R. J. (2010). Corporate political speech: Who decides? *Harvard Law Review*, 124(1), 83-117.
- Eabrasu, M. (2019). *Moral Disagreements in Business. An Exploratory Introduction*. Cham: Springer.
- Estlund, C. (2022). Can Employees Have Free Speech Rights Without due Process Rights (In The Private Sector Workplace)? *J. Free Speech L.* 2, 259.
- Hasnas, J. (2017). Does Corporate Moral Agency Entail Corporate Freedom of Speech? *Social Theory and Practice*, 43(3), 589–612. doi:10.5840/soctheorpract20178315
- Katz, G., Lenglet, M. (2010). Whistleblowing in French Corporations: Anatomy of a National Taboo. *Philosophy of Management* 9, 103–122. <https://doi.org/10.5840/pom20109120>
- Loumanskyy, A., Lewis, D. A (2013). Levinasian Approach to Whistleblowing. *Philosophy of Management* 12, 27–48. <https://doi.org/10.5840/pom201312317>
- Messina, J.P. (2022). Public Calls for Censorship as Bad Speech. *J. Free Speech L.*, 2, 87.
- Messina, J.P. (2023). *Private Censorship*. Oxford University Press.
- Muldoon, R. (2022) Speech, Sorting, and Discovery. In *New Directions in the Ethics and Politics of Speech*, edited by J. P. Messina, 32–49. Political Philosophy for the Real World. New York, NY: Routledge.

Page, S. (2017). *The Diversity Bonus*. Oxford University Press.

Rudy, J. (2002). What they don't know won't hurt them: defending employment-at-will in light of findings that employees believe they possess just cause protection. *Berkeley Journal of Employment and Labor Law*, 23 (2): 307-368.

Stoll, M. L. (2005). Corporate rights to free speech? *Journal of Business Ethics*, 58, 261-269.

Stoll, M. L. (2015). Corporate political speech and moral obligation. *Journal of Business Ethics*, 132, 553-563.

Vandekerckhove, W., & Tsahuridu, E. E. (2010). Risky Rescues and the Duty to Blow the Whistle. *Journal of Business Ethics*, 97(3), 365-380.

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SUBMISSION PROCESS AND DEADLINE

- **Submissions deadline May 1st 2024**
- Manuscripts submitted to this special issue should adhere to the Philosophy of Management journal's aims and scope, as well as to contributor guidelines for submitting a paper. The manuscript length should be 8,000-12,000 words (for a standard original article).
- Submissions must be original and unpublished works that are not concurrently under review for publication elsewhere.
- Papers should be submitted to the *Philosophy of Management* online submission system, with explicit reference to this special issue.
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