CHAPTER 12

Communication Ethics

Abstract Freedom of speech and speech responsibility are the two main concepts of communication ethics. The former addresses people's freedom to say what they want or to remain silent, while the latter concerns the responsibilities people may have for speaking up and for the consequences of saying something or remaining silent. The traditions of consequentialist ethics and duty ethics provide conflicting normative advice about how to cope with communication dilemmas, where the alternatives can be to prioritise outcomes (the good) or conduct (the right). This chapter uses examples of decisions regarding transparency or secrecy about confidential information and i-deals at work to illustrate ethical challenges and dilemmas regarding communication.

Keywords Freedom of speech • Speech responsibility • Communication ethics • Do-good ethics • Avoid-harm ethics

Trade union representatives in an organisation can possess confidential information that it is tempting to share with members. A new and improved pension scheme for employees may be underway and will be announced 1 month from now. Until then, information about the scheme cannot be shared with anyone. During this time, a trade union representative may encounter a member who has decided to hand in her resignation and look for work elsewhere. The representative knows that if the member

withholds her resignation for 1 month, she will gain a considerable long-term financial benefit from the improved pension scheme. This is objectively speaking not a good time to resign from the organisation. The representative can take the member aside and advise her to wait another month before she hands in the resignation. However, that would be to break confidentiality and loyalty to the organisations. Should that take priority over loyalty to the member, whose financial prospects for the rest of her life will be considerably better if she postpones her resignation for 1 month?

I have discussed this situation with trade union representatives, and their responses surprisingly vary. Some claim that the obvious answer is to respect the confidentiality and say nothing about the improved pension scheme to the member. They maintain that this is just the sort of situation where the professionalism and suitability to be a trade union representative is put to the test. Emotions and impulses cannot govern one's decisions. This representative has a particular role in workplace processes and needs to adhere to the strict norms for collaboration between employers and employee organisations. Others take the opposite view and argue that it is obvious that loyalty should lie with the individual members, and not with the organisation or employer. As a trade union representative, this person should support the weakest stakeholders, which in this case, clearly is the individual member. Information is such cases can flow discreetly, and no one will know that in this exceptional case, the representative prioritised the member's interest over confidentiality and the organisorganisation's interest.

The Navigation Wheel is a tool designed to aid decision-makers in situations such as these (Kvalnes and Øverenget 2012). It identifies six relevant concerns to consider when deciding upon a way forward (Fig. 12.1).

When trade union representatives reflect on the case regarding disclosing the new pension scheme, all six concerns are relevant. In the discussions I have facilitated, participants have prioritised the Identity question. What core values should an individual commit to when representing a trade union? The disagreements between them highlight different interpretations of the role and where their loyalties should lie. There is also a Morality element in their conflicting stances. When presented with the case, each representative has a moral intuition—a gut feeling—about what a trade union representative should do under such circumstances. In the ensuing discussion, participants tend to remain loyal to their initial moral intuition. On rare occasions, representatives may change their minds.

Is it legal?

Can it be justified?

Is it in accordance
with our values?

LAW

ETHICS

IDENTITY

What do
you do?

ECONOMY

MORALITY

Is it in accordance
with business objectives?

Is it right?

REPUTATION

Does it affect our goodwill?

Fig. 12.1   Navigation wheel

With time to reflect and consider perspectives, they realise that the arguments for sharing/not sharing the information about the pension scheme with the member is stronger/weaker than they initially thought.

The Navigation Wheel builds on a particular understanding of the relation and difference between morality and ethics. Morality is defined as a set of personal and shared beliefs about right and wrong, and ethics as a tool for systematic analysis of right and wrong. The distinction corresponds to one between quick and impulsive System 1 decision-making and slow and analytical System 2 decision-making (Kahneman 2013). On this understanding, decisions made via moral intuition are examples of System 1 decision-making, while decisions based on ethical reflection are examples of System 2 decision-making.

With this interpretation in place, it is possible to reflect on aspects of both ways of making decisions about right and wrong. It provides a framework to analyse decision-making processes when people face dilemmas. The trade union representative may suddenly face a situation where a member is about to hand in a resignation where it is financially better to wait 1 month. There is no time to think, thus the representative will act on a moral intuition to intervene and advise the member to wait, or a moral

intuition to remain silent. When given the opportunity to revisit and re-evaluate the decision later, the representative may look to confirm or disconfirm arguments that it was the right thing to do. Confirmation bias (Nickerson 1998; Kvalnes 2017; Peters 2020) can lead the representative to notice only information and principles that support the initial decision. With more time and information, a change of perspective is possible, but the decision-maker can also remain loyal to their previous, underinformed self and only seek out confirmation that the initial decision was the right one. The process of System 2 ethical analysis may take the form of gathering support for the System 1 moral intuition. This means that an opportunity may be lost for establishing whether the decision was the right one.

A rationale for discussing potential dilemmas in advance, in a workshop setting, or in a seminar is to make the participants less vulnerable to being governed solely by their moral intuitions when they suddenly face such a situation. They receive an opportunity to become better prepared for real-world dilemmas by thinking through the alternatives together in a psychologically safe environment. Impulsive and automated decisions may not reflect what the decision-maker values and considers morally right. Preparation through ethical reflection can make the quick decisions in real life better aligned to the decision-maker's moral beliefs and convictions.

The communication climate for reflections on ethical dilemmas can be characterised by friendly friction and dissent, or the opposites of friendliness without friction, and in contrast, unfriendly friction. With friendly friction, people will address what they see as weaknesses and doubtful assumptions in the alternatives under scrutiny. They will add their voices to a process of seeking out the various alternatives' strengths and weaknesses as an act of good will towards the decision-maker. They are engaged in the case, and they are making a serious effort to help the decision-maker to identify the right course of action. With friendliness without friction, the decision-maker receives uncommitted and indifferent feedback from people who primarily want to avoid conflict and dissent. They will support any idea or suggestion coming from the decision-maker without considering whether it has flaws. In contrast, with unfriendly friction, the motivation can be to mobilise any kind of argumentation that will harm and defeat the decision-maker.

Whether to speak and share information or remain silent is the pattern for dilemmas addressed within communication ethics. In line with the general definition of ethics provided above, communication ethics is the

discipline of analysing what is right and wrong in the realm of communication (Kvalnes 2022). This philosophical discipline depends on two main concepts, each having their set of fundamental questions.

- *Freedom of speech:* When do people have the freedom to speak and write whatever they want, including a freedom to remain silent? What are the ethical limits to the form and content of people's expressions? To what extent can freedom of speech be limited by confidentiality agreements and other social arrangements?
- *Speech responsibility:* When do people have a responsibility to speak up about what they observe in their social environment? In which situations do they have a moral duty to intervene verbally? To what extent are they responsible for the consequences of speaking up and of remaining silent? What happens to individual speech responsibility when individuals are part of a group where all members have a freedom to speak?

These questions suggest some of the directions that reflections on freedom of speech and speech responsibility can take. There can be many others. The former concept gets more attention than the latter, both academically and in society and organisations. Freedom of speech is often highlighted in discussions about employee rights and the rights of professionals. This freedom can be threatened when employers try to restrict employees' participation in discourses about organisational developments. Researchers have been concerned about employers' initiatives to control the verbal activities of employees who may want to express dissent and disagreement (Kassing 2000; Balkin 2018). There is a long tradition of considering freedom of speech as crucial for employee empowerment and autonomy (Haskins 1996). However, a comprehensive communication ethics for organisations also needs to account for the responsibilities that come with a freedom to express one's ideas and concerns. Attending only to freedom of speech and not to speech responsibility creates an imbalanced communication ethics.

Returning to the trade union example, it tests the understanding of both freedom of speech and speech responsibility. What can a trade union representative say in a situation where a member is about to make a financially unsound decision by handing in a resignation 1 month before a new pension scheme comes into effect? One perspective is that the case

illustrates the limits to freedom of speech. A representative cannot break a confidentiality agreement, even when it is out of commendable concern for a member. The opposite view can be to highlight freedom of speech and claim that it has priority over loyalty to one's organisation and the norms of collaboration between employers and employee organisations. A representative can appeal speech responsibility to justify the alternative of interfering to make the member aware of the new pension scheme underway.

Normative ethics contains two main traditions that provide conflicting views in a range of dilemmas and choices. Consequentialist ethics prioritises the outcome (the good) over conduct (the right), while duty ethics does the opposite, claiming that the way people act (the right) is more important than how things turn out (the good) (Kvalnes 2019). The two traditions provide different advice about what a person should do in situations where the alternatives are to speak up or to remain silent, or there is a choice between different ways of expressing one's views.

A consequentialist communication ethics will build its input on considerations about probable outcomes. The trade union representative should inform the member about the new pension scheme, if that alternative is likely to provide the best overall outcome. If the conversation can remain a secret between them, the positive financial consequences for the member can be sufficient to make it right to go for that initiative. In contrast, if it is likely that the confidential information will spread and create difficulties for the organisation and the representative who has broken the promise to keep the plan secret, that fuels a consequentialist rejection of the alternative of sharing the information. For a duty ethical communication ethics, identifying what is the right thing to do does not depend on considerations about likely outcomes. Instead, it rests on concerns about keeping promises and respecting confidentiality. If an individual has reached an agreement within a group about not sharing information before a particular date, then they should remain committed to that agreement and not say anything, even to a person whose situation would be greatly improved if that individual were to do so.

A core element more or less explicitly shared by consequentialist ethics and duty ethics is the principle of equality (Kvalnes 2019). It states that equal cases should be treated equally. A difference in treatment between two cases requires pointing to a morally relevant difference between them. It is a philosophical principle inherited from Aristotle's writings more than 2000 years ago, but small children apply and appeal to it long before they

have learned to read and write. They can have a strong sense of fairness and expect that any differential treatment can be justified by pointing to a relevant difference. Siblings can bicker about what counts as relevant differences when parents make decisions about distributing advantages and disadvantages. In organisations, leaders are under similar pressure to justify and explain why some employees receive higher salaries and better working conditions than others do, and why some must take the most demanding shifts. So-called i-deals, or idiosyncratic deals, that employees can negotiate for themselves open for individual differences in flexibility, compensation, and opportunities for further education (Rousseau 2015). It makes good sense to allow i-deals and not to treat everyone in a standardised manner, but they can create unrest unless the differences in treatment are properly justified.

The principle of equality is highly relevant for communication ethics, and the level of openness about i-deals can serve as an example. Leaders and employees can face an ethical dilemma about whether to keep i-deals transparent or secret. The level of openness can be about the existence of the deal and about its rationale and specific content. It is possible to be transparent about how an employee has an i-deal without explicating why and what specifically constitutes it. It seems unreasonable to operate with one general and absolute norm regarding whether one should be transparent about i-deals or keep them secret. What one should communicate about them depends on each case's unique circumstances.

The ethical dimensions of establishing and communicating about i-deals emerge as a significant research topic. In her doctoral thesis, Raets (2022) started important work to address and clarify the ethics of i-deals, introducing the idea that transparency should be the prima facie norm for communication about them. The normative hypothesis is that one should be open about i-deals, but that there may be exceptional cases where the situation's morally relevant features call for secrecy. Privacy considerations are among those that can count in favour of secrecy. A similar openness to exception can apply to the trade union example. The norm can be that one should keep confidential information secret, but there can be room for exceptions, such as when a person is about to make a financially unsound decision, and an individual can intervene and avoid the negative outcome by sharing the confidential information. However, the principle of equality can also serve as a platform for powerful criticism of the decision of a trade union representative who chooses to inform one member about the pension scheme. The representative happened to meet this one member, but

other members may have had a similar interest in knowing about the pension scheme before publication. A chance encounter does not seem to provide a strong reason for ethical differentiation.

Chapter 2 introduced the concept of critical quality moments to describe situations where a communication climate is tested. Will anyone intervene to correct the tone from the conductor, halt the execution of faulty engineering plans, or suggest a better substitution to the football coach? Decision-making in such situations can have ethical implications. As an eyewitness to a dramatic event at work, an employee can decide whether to speak up and take an initiative to stop a causal chain of events that will likely lead to a negative outcome. The situation can also be one where a supportive verbal initiative can give a colleague an uplifting experience. If freedom of speech were the only element of communication ethics, the decision-maker would only need to consider whether to use that freedom to say something or to remain silent. However, critical quality moments can also provide the decision-maker with a responsibility to become involved. Speech responsibility indicates that an individual should not remain a passive bystander and justify it by appealing to their freedom to speak or not. Here, they are in a position where they have the power either to prevent a negative outcome or to produce a positive one. That can create a responsibility to become verbally involved. Appeals to freedom of speech are not sufficient to justify silence.

One final distinction is helpful in obtaining an overview of the elements of communication ethics. The alternatives of speaking up and remaining silent can prevent negative outcomes and produce positive ones, as captured in an ethics for avoiding harm and an ethics for doing good (Table 12.1).

Some have described this distinction as one between prescriptive and proscriptive ethics (Janoff-Bulman et al. 2009). The ethics of avoiding harm includes not just concerns about intervening to stop harm to others but also concerns about using aggressive and hurtful language in communication with others. So-called hate speech tests the limits of freedom of

Table 12.1   Ethical perspectives on outcomes

Avoid-harm ethics	*Do-good ethics*
Take steps to avoid negative experiences and outcomes for others	Contribute to positive and uplifting experiences and outcomes for others

speech (Howard 2019). Again, if freedom of speech were the only element of communication ethics, it would be difficult to argue against hate speech. With a concept of speech responsibility in place, there are boundaries for what people can justifiably say to or about other people. Avoid-harm ethics also gives weight to concerns about how words and utterances can negatively affect others.

In this chapter, I have shown that a balanced communication ethics needs to highlight freedom of speech as well as speech responsibility. Employees should not only have a freedom to express their views or remain silent but also have some form of responsibility for the outcomes of their decision to speak or not. The Navigation Wheel can serve as a tool to analyse situations where individuals can be in doubt about what to do. It identifies law, identity, morality, reputation, economy, and ethics as six aspects that can be necessary to take into account when reasoning about the alternatives. Consequentialist ethics and duty ethics emphasise different dimensions of human relations and can provide conflicting answers in communication dilemmas. Both acknowledge the principle of equality but can differ on what they consider a situation's morally relevant features. The distinction between avoid-harm ethics and do-good ethics can serve to highlight what is at stake in decisions about speaking up or remaining silent, and about which words individuals can justifiably use in communication with others.

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