
BOYCOTTS AND SILENCING

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A RESPONSE TO Jeremy V. Davis (2020), “Boycotts, Expressive Acts, and Withdrawal of Support”, *Bus Ethics J Rev* 8(3): 14–19,
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ABSTRACT

Jeremy Davis offered critical comments on our article that argued some boycotts are *pro tanto* morally wrong. We argued against organized boycotts over expressive acts where the actor is attempting to engage in the market place of ideas. Davis offered two versions of a direct objection to our position – one that boycotts are not attempts to silence and one that boycotts do not cause a chilling effect – and one objection based on reframing the goals of boycotts. In this Response, we argue that Davis’s direct objections are unsound and his reframing objection is consistent with our initial position.

IN HIS RECENT Commentary “Boycotts, Expressive Acts, and Withdrawal of Support,” Jeremy Davis (2020) criticizes our article “The Business of Boycotting: Having Your Chicken and Eating it Too” (Tomhave and Vopat 2018). In particular, he offers two versions of a direct objection to our position, and an additional argument offering a reframing of the purpose of boycotts. He raises a fourth issue, but as it is largely one of agreement, we shall not concern ourselves with that here. In what follows we will consider these issues in turn, beginning with his direct objection and then turning to his revised way of viewing boycotts. We should specify that Davis begins by clarifying that his focus is on organized boycotts against expressive acts, which he refers to as *expressive act boycotts*. Though the original arti-

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cle did discuss other types of boycotts, organized boycotts against expressive acts were largely our concern. Thus, in what follows we shall use the term “boycott” to refer to cases where a person attempts to organize others against the expressive act of another that has been shared in the marketplace of ideas. In cases where we are discussing other kinds of boycotts, we shall specify the type to which we are referring.

The Direct Objection

Davis’s direct objection to our position comes in two forms. In the first version of the objection, he claims that boycotts do not silence; while in the second version, he claims that they do not have a chilling effect on speech. Essentially, Davis’s argument amounts to the following: Tomhave and Vopat argue that expressive act boycotts have a silencing effect; but, such a claim is not only unjustified—it is false; therefore, the claim that boycotts in cases of expressive act boycotts are unjustified is false. Davis (2020: 15) states the following:

While their argument rests on the idea that expressive act boycotts are an attempt to silence speakers, they do not offer much in the way of elucidation of the idea of silencing and what makes it unjustified. And it is not immediately obvious how boycotts constitute a form of silencing in the first place.

Seemingly in a way to explain what would constitute an attempt at silencing, Davis (2020: 15) suggests the following kinds of threats: calls for someone to “be imprisoned, legally sanctioned, sued, or physically harmed.”² When President and CEO of Chick-fil-A, Dan Cathy, made comments regarding same-sex marriage that prompted calls for boycotts, there were no calls for the threats Davis offers as clear attempts at silencing. Thus, for Davis it seems there was no attempt to silence Dan Cathy.

² Davis actually suggests a second form of his silencing argument based on the idea that someone might be silenced due to a loss of *uptake* for the words they speak. The idea is that words lose their meaning to communicate what the speaker intends. Davis dismisses this version of the argument as surely not what we have in mind. The prime example we use in our paper is that of Dan Cathy and, as Davis points out, the boycott of Chick-fil-A happened specifically because the words that Dan Cathy used were clear. We did not intend our argument to be taken as an argument about the loss of up-take, so we will dismiss this version of the argument.

Before addressing this argument, let us also set out the other version of his direct argument. Here the worry is not the claim that calls for boycotts are intended to silence the speaker, but that boycotts have a chilling effect on speech. The idea is that corporate executives might refrain from expressing their views openly because they are afraid of a boycott. Davis correctly points out that the presence of chilling effects does not automatically constitute a wrongness regarding the cause of the chilling effect. Many public figures refrain from speaking out on issues for a variety of reasons. The presence of a chilling effect does not constitute an injustice. Moreover, according to Davis, such effects potentially apply to all business decisions.

As an initial step in our response, begin by restating our basic argument:

1. Boycotts are coercive.
2. Boycotts sometimes attempt to silence voices in the marketplace of ideas.
3. The use of coercion to silence voices in the marketplace of ideas is *pro tanto* morally wrong.
4. Therefore, some boycotts are *pro tanto* morally wrong.

Initially, it is worth pointing out that Davis seems to have skipped the first step of the argument. The argument begins with the straightforward claim that boycotts are coercive. We spend time in the paper explaining our view of coercion, so here we will give only a basic description of coercion: X coerces Y if X threatens to make Y worse off if Y does not comply with X's dictate(s). In our original paper we write (Tomhave and Vopat 2018: 126), "The call for an organized boycott is a call for a kind of force, which is, using the threat of economic loss to compel an individual or company to change a belief or practice." We then go on to point out that expressive acts are acts that are attempts at engaging in the marketplace of ideas. This is the focus of our concern. It is worth noting that we also recognize that some expressive acts cross over into what we call "consequential acts" and that this can justify a boycott in numerous ways. However, this is not the kind of boycott under consideration by Davis, nor is it the focus of the present response.

While it is true that we are concerned with boycotts that are cases of silencing, we are not concerned with philosophically subtle explan-

ations regarding definitions of “silencing.” When X says something that Y dislikes and Y then coerces X to stop X from saying whatever it is that Y dislikes, that is an attempt at silencing. It does not matter why Y dislikes X’s speech or how severe the threat is. This is exactly what a boycott amounts to when one engages in an expressive act intended for the marketplace of ideas. Moreover, it is clearly false to claim that attempts at silencing only occur when threats to imprison, legally sanction, sue, or physically harm someone occur.³ While these types of threats can be used to coerce, they are clearly not the only ways. For example, Company A can be coerced by a simple threat to stop doing business with Company A. Moreover, silencing need not involve serious threats at all, as when a parent silences their child “with a look.”

Let us be very explicit. The cases we are concerned with are cases where a person has made a statement with the intent to discuss an idea. This is consistent with there being other motivations that people have for other boycotts. However, it should be clear that were the statement not made there would be no reason for the boycott. This is clearly an attempt to stop the person from expressing an idea to be discussed; and is a clear case of attempting to silence. To take a position other than the one we advocate – that this silencing is *pro tanto* morally wrong – is to say that *it is morally acceptable to coerce a person in order to keep them from engaging in a discussion*. Moreover, we think that Davis agrees with us. He (Davis 2020: 17) writes that expressive act boycotts actually further the marketplace of ideas which

typically involve clear points of rebuttal from the opposition – engage those ideas and attempt to show how they are misguided. It is thus not only compatible with but in service of the marketplace of ideas that collectives actively speak out against views they find morally reprehensible.

None of this suggests that we engage in coercive behavior. They are all suggestions to engage the ideas. Engaging in discussion is fine; coercing others for what they have expressed in the marketplace of ideas is not.

³ We do not want to suggest that Davis only thinks that coercion when those types of threats occur. But, in his critique he does not present other possibilities.

The Reframing Objection

Davis (2020: 16) begins this objection to our position by offering an alternate framing of boycotts, writing, “Instead, I propose we treat such boycotts as a morally acceptable way to withdraw support for the dissemination of certain ideas.” Davis correctly points out that businesses do not have a right to the business of those who might disagree with their views. His claim is that some boycotts are a way of withdrawing support for those businesses. We agree that there is no right to our support of certain businesses. However, we think it is odd to suggest this as a reframing of how we think about boycotts, that they are withdrawing support for the dissemination of ideas. Of course this is what boycotts are! It does not follow from this that boycotts are not also attempts at coercing people into silence. Furthermore, Davis presents an organized boycott as if it is simply a withdrawal of support for a business. However, an organized boycott goes beyond simply withdrawing support, and becomes an act of positive advocacy. That is what makes it an *organized* boycott. If it did not involve advocacy then it would simply be what we call a *personal* boycott. Boycotts are calls for others to join you in actively withdrawing support for a company because a person connected to that company expressed an idea for discussion. This is not simply “withdrawing support for the dissemination of an idea.” This is using coercion to stop the discussion of an idea with which you disagree. In such a case, a personal boycott would be entirely appropriate; whereas an organized boycott would not.

Conclusion

We think it is clear that Davis has missed the key aspect of our argument, that boycotts are, by their very nature, coercive. In the case where the boycott is called because of an expressive act, then it is an attempt to prevent that expression from continuing—it is an attempt to silence. While boycotts clearly are an expression of disapproval and withdrawing of support from certain ideas, there is nothing in that which is inconsistent with the idea that boycotts are also attempts at coercively silencing the expression of certain ideas. It is this coercion that we find morally problematic. Thus, we find Davis’s direct objection to be unsound and his reframing objection to actually be consistent with our position.

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