

Career Path: Who Can Freely Speak the Truth?

Career Development



Can you freely speak your mind? Do you? If you want to be successful in your career, you must be able to answer both questions with a clear "yes."

I think many of us when asked these questions would instinctively say, "Of course!" At least, I suspect you would answer this way if you live in most places in Europe or the United States.

With the rapid spread of the internet across the globe, I assumed that freedom of speech had also been seeded far and wide. I was wrong.

The organization, Freedom House, performs surveys on the level of internet freedom in 70 countries around the world. Their latest report makes for depressing reading. See Freedom on the Net 2021. Among other findings:

- Global internet freedom declined for the 11th consecutive year, as "more governments arrested users for nonviolent political, social, or religious speech than ever before."
- "Officials suspended internet access in at least 20 countries and 21 states blocked access to social media platforms."
- "Internet freedom declined in the United States for the fifth consecutive year."

Well, how about our universities? If there was one place where we could traditionally expect to find freedom of thought, freedom of expression, and an open environment, it would be there.

In the first half of 2021, the Foundation for Individual Rights in Education commissioned "the largest survey of college students about free speech on their campuses ever conducted." This survey included more than 37,000 students at 159 colleges. Here are some key findings from the 2021 College Free Speech Rankings:

- "More than 80 percent of students report censoring their viewpoints at their colleges at least some of the time."
- "Two thirds of students say it is acceptable to shout down a speaker to prevent them from speaking on campus."

If 80 percent of students report self-censoring their views in an environment expressly committed to the freedom of expression, can we expect a different experience in the workplace? At work there is generally no upside to speaking your mind on non-work topics, and potentially a great downside. Namely that you may be fired or at least have a complaint filed against you by someone you've offended.

Although I personally think we must each support freedom of speech for it to survive, let me focus for now on in-house lawyers.

Companies are filled with what I'll call "optimists," by which I mean people who have an incentive to tell favorable stories.

This includes people who draft budgets, submit forecasts, and fill out self-evaluations.

It covers managers who set financial targets and employees who report on their contributions to results. Marketing professionals live in a world of optimistic hyperbole, and it is a rare board of directors that hears an unpopular truth.

The truth is painful

In this sea of Pollyannas the lawyer faces a stark choice: Tell people what they *want* to hear or tell people what they *need* to hear. The truth is painful. Often what the lawyer points out are harsh realities and obstacles to quick progress, such as: That path is illegal, and the alternatives take more time and may cost more money; that behavior is inappropriate, and we must discipline the star employee; we are indeed subject to this new regulation, and we must spend money to ensure compliance.

You will be greatly liked if you tell people what they want to hear. You may even initially find career success by following this path because it takes time and bad luck for most legal problems and non-compliance to come to light. I don't recommend basing your career decisions on luck.



But truth is also a treasure

The best lawyers are the ones who know their true value to their companies, which is to *always and only speak the truth*. When most around you say what they think will benefit them or what others want to hear, a person who only says what they believe to be true is a treasure indeed.

You must not let fear of disappointing others hold you back. Yes, you are discussing difficult situations, where something bad has happened or could happen. But it's rarely your personal fault, just the situation itself.

Every senior manager and CEO I know is (typically rightly) paranoid that they are getting bad information from their subordinates. One reason you see CEOs asking multiple people the same question is that they are trying to triangulate the truth through a thicket of self-interested answers.

If you tell the CEO what you think they want to hear, you will be missing a great chance to join their inner circle of trusted advisors. The CEO has plenty of potential lackeys but relatively few truth-tellers. If you are someone the CEO trusts will always say what you believe, they will seek out your perspective more often.

Be honest, and exercise discretion

You will annoy others by being scrupulously honest. This is because in the land of liars, the honest person is hated by those with something to hide. For example, when what you say contradicts someone who spun a different story. Or when someone gets in trouble as a result of your noting something inappropriate they did.

One important caveat: Speaking the truth does not mean you always divulge everything you know. Knowing when to speak, and to whom, i.e., exercising discretion, is also part of the successful lawyer's repertoire. The point is that *when* you speak, you must be honest.

This advice holds true no matter what your job. Because ask yourself this: If you live in a country where it is still possible to freely speak your mind, what do you think will happen if you do not?

Be well.

James Bellerjeau



Lecturer

University of Zurich

James Bellerjeau is a lecturer in the LLM program of the University of Zürich and for the Europa Institut of the

University of Zürich.

Bellerjeau served for two decades as group general counsel for Mettler-Toledo International Inc., an S&P 500 company with its worldwide headquarters in Greifensee, Switzerland. He then led Mettler-Toledo's global Sustainability program for several years through June 2021.

Bellerjeau shares thoughts on how to live a good life at Klugne. You can also follow him on LinkedIn.