

# Corporate Political Responsibility and the rise of “CEO activism”

*Study case of American technology companies against President Trump*

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## Introduction

“[The President] is the last person in the world to know what the people really want and think.”

Surprisingly, this quote comes from the 20<sup>th</sup> President of the United States of America, James Abram Garfield (Dehgan, 2003: 174). Even though his mandate was one of the shortest in history, this sentence is the proof that the man was one of the most realistic leaders of the world. His assassination, six months only after his inauguration, cuts short his presidency but what we want to remember here is his view on the differences between the public opinion and the president. Since the election of 2016, the Republican businessman—and now President—Donald Trump is ruling America despite a huge list of opponents and critics. He has, in his way, revolutionised the governmental image. His presidential decisions and communication style are innovative and whether you agree with him or not, you cannot deny that.

The previous President, Barack Obama, had already made a turn in the political communication of the country but something else is new this time. The opposition to the President has never been more open or worldwide. The political system is changing with the apparition of new actors. Organisations that were previously bound to neutrality now allow themselves to speak out, and people are waiting for non-political agent to join the debate. The question is therefore how is this possible? How are those new entities entering the political landscape as if they had always done it? This change may be small in the eyes of some observers, but it has the merit of raising new questions about the relevance of our current theories. Is the political scheme, as we have always known it, still valid? Questions about those new actors themselves are appearing. Who are they? How do they enrol themselves as legitimate? When do they get involved in the decision-making process? Do they really have power?

Even though time has flown, the quote from the President James Garfield still seems accurate as ever. The gap between the real public opinion and what the government think it is, is still colossal. In order to familiarize ourselves with this issue and to learn more about the new actors we have been talking about, this thesis will be written as describe:

First we will establish the exact context of our casus. We will highlight the changes aforementioned and see how specialists and maybe scientists are talking about it. We will, moreover, learn that enterprises are concerned too about this issue as several official reports

have been published by marketing groups. Those surveys give a fresh and documented look on the problem and will lead us to the theoretical part.

Indeed, we are afterwards going to take a look at the basis of political communication. Not in the sense of a politician's communication, or for the purpose of an electoral campaign, but in a more general way, as the place of communication within the political system. We will appreciate how the flow of message goes between the different communicants. Then the emphasis will be made on the actors of political communication and how they interact, what their possibilities are, and so on. We will also have a glimpse on the various theories concerning public policy as this particular subject will get our interest later.

As this study case focuses on an issue that has been shaking the United States of America since the end of January 2017, we will describe it quickly. The history of the proclamation of the Muslim Ban and its other following versions will be summarised. We will also examine the relevance of the casus as a whole before analysing the different act of communication made by the diverse participants. This will help us to understand better the role of those agents and their position in the political scheme.

At the end, we should thus be able to have a better understanding of what is called the CEO activism phenomenon. Those pages will help define an issue, analyse it and then answer it. This therefore could help us to answer some of the questions we have mentioned before: how is this happening? Are they legitimate? And so on. The exact research question and our hypothesis concerning the potential answers will be described at the end of the next chapter.

## Chapter 1 – Contextualization

As said earlier, the political system as we knew, it, is no longer relevant.

Even though the primary signs of those changes went unnoticed at the time, it is now certain that it goes back to 2004<sup>1</sup>. Back then, the CEO of Carlson Companies—a global travel and hospitality company—stood up against human traffic. She was at that time seen as a troublemaker when she was in fact way ahead of everyone. Marilyn Carlson Nelson was a visionary and the pages that will follow here are written in the same spirit. We cannot deny change and so we might as well learn everything we can about it.

In the case of Marilyn Nelson, people believed that because she was working in the “happiness business”, she should not interfere with politics. Companies were neutral and it was literally none of their business. However, Nelson was convinced that it was a waste of resources and that businesses had to be responsible even on issues that were not directly on their agenda<sup>2</sup>. Each side had their arguments but knowing what the situation looks like currently, it is safe enough to say that people are beginning to tend to be on Nelson’s side.

### 1. REVIEW OF PREVIOUS CASES

The actual list of CEOs standing up for what they believed to be fair is quite long and still growing. In order to put those pages in perspective, it is interesting to quickly summarize some of the best-known cases of corporate partiality.

In 2013, Starbucks chairman, president and CEO Howard Schultz wrote a public letter to his customers “*respectfully requesting customers not to bring weapons into [our] stores*”<sup>3</sup>. Amongst the debate that was at that time ruling the United States of America, it was a clear, prudent and smooth message. Nevertheless, Starbucks was still becoming a gun-free zone and therefore taking a strong first step towards the anti-firearms side of the discussion. The firm was in fact not banning guns, as it was the U.S. law role, but was therefore giving “*responsible gun owners the chance to respect our request*”<sup>4</sup>. A decision which puts Starbucks on the verge of the debate but also helped its stores to become places of peace. It was a risky move and it is certainly why Schultz used cautious words:

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<sup>1</sup> Information retrieved from <https://www.webershandwick.com/uploads/news/files/the-dawn-of-ceo-activism.pdf>

<sup>2</sup> Ibid.

<sup>3</sup> Appendix 1

<sup>4</sup> Ibid.

“We have chosen this approach because we believe our store partners should not be put in the uncomfortable position of requiring customers to disarm or leave our stores. We believe that gun policy should be addressed by government and law enforcement—not by Starbucks and our store partners.”<sup>5</sup>

And it was not the last time Starbucks was going to be in the heart of critics’ attention. Howard Schultz has been afterwards heavily criticized when he asked his employees to engage in a discussion about race with the customers. They were intended to write “Race Together” on the well-known Starbucks cups in order to create the debate and raise awareness. In an article published in the Harvard Business Review, Aaron Chatterji and Michael Toffel (2015) have been talking about this, as they “*see a need both to encourage it and define its limits*”:

“Schultz is already well-known as one of this generation’s CEO activists, a group which includes Goldman Sachs’ Lloyd Blankfein, Duke Energy’s Jim Rogers, and Google’s Eric Schmidt—and other high-ranking corporate leaders like Facebook’s Sheryl Sandberg. Though they have made their mark in the private sector, these men and women are taking public stands on hot button social and environmental issues ranging from gay marriage to climate change to gender equality. While some CEOs have been celebrated for speaking out, this new wave of activism has also drawn criticism from all sides.”

As well as the list including cases like those mentioned before, the broad of issues involved is exceedingly large. It goes from climate change to same-sex marriage, through sexuality in all of its forms and religious or racial discrimination, poverty or even employment conditions.<sup>6</sup> Each of them being a heavily discussed subject of those last years and currently becoming part of the company's domain. Public policies are, as we were saying before, no longer the exclusive expertise of politicians and advocacy groups. A study from the Global Strategy Group<sup>7</sup>, whom we will be talking about in a few pages, has proved this trend by interviewing Americans about whose “public policy” subjects should be in the agenda of companies. Since 2014 it appears that public opinion is evolving: people tend to think that firms should be more and more involved in public policies, whatever the issue is exactly. Still, we can see that the most requested ones are those who touch the human condition: gender equality, sex orientation equality, and religious and race matters. Even gun control or climate change are on the edge of every conversation, knowing that they both jeopardize human beings. The legalization of

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<sup>5</sup> Appendix 1.

<sup>6</sup> Information retrieved from <https://www.webershandwick.com/uploads/news/files/the-dawn-of-ceo-activism.pdf>

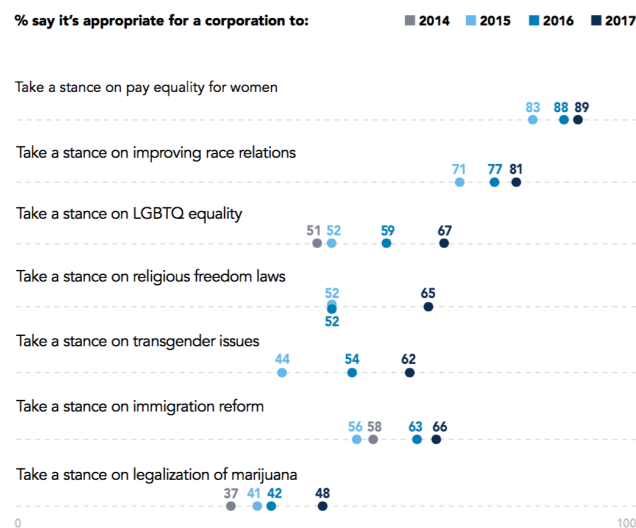
<sup>7</sup> Appendix 2.

marijuana, on the other hand, seems in the following illustration to generate less interest in the opinion of interviewees. Even if they still think companies should take a stand, it seems to be maybe less appropriate than when the subject is about people's circumstances.

**Figure 1. Subjects privileged by public opinion<sup>8</sup>**

### Americans accept action on a range of issues

Thinking about specific issues, how appropriate is it for a corporation to take each of the following actions?



However, this “CEO activism”—as it is sometimes called—does not always turn out well for CEOs and their businesses. Some leaders are certainly feeling regrets now that their companies have been impacted by negative upshots. The first example of a brand undergoing backfire for a public statement on a public policy is New Balance. The internationally known Boston-based company was submerged in an ocean of extremely bad reviews and a call for a boycott. What was the declaration that started all of this? A tweet<sup>9</sup>—which became swiftly viral—from Sara Germano, a Wall Street Journal reporter who had interviewed the brand Public Relation Vice-President. She quoted him talking about the Trans-Pacific Partnership and, therefore, about the recently elected President Trump.

“The Obama administration turned a deaf ear to us and frankly with President-Elected Trump we feel things are going to move in the right direction.” (@germanotes, 9 November 2016)

Twenty-six words and the use of a “we” implying the company were enough. From the moment this tweet was posted, customers begun to react not only within the United States of America

<sup>8</sup> Appendix 2.

<sup>9</sup> Appendix 3.

but everywhere around the globe. Thousands of videos and pictures of crashed, burning sneakers flourished on the internet. The message was very clear, if New Balance really was supporting Trump, numerous customers were no longer interested in buying their products.

The fact that this sentence was completely out of its context did not change a single thing. The Vice-President was in fact talking about the Trans-Pacific Partnership, he was not speaking about the entire Trump electoral promises. As New Balance is one of the only companies to manufacture their products within America, they would suffer more than anyone from the partnership. It was therefore legitimate for them to talk about a better direction: less cost, hence more benefits, and so on. If focusing only on his view on the TPP, Trump was a better choice than Obama for New Balance in terms of financial outcomes. Sadly, customers were not convinced by this explanation. Even though the storm is now behind them, there is no wonder how relieved must have felt the directing board of New Balance.

The point is, when you dig a little deeper, New Balance has since take other stands in favor of the President Trump. Its chairman, Jim Davis, has reportedly sent almost \$400,000 to Trump Victory, a fundraising group for the Trump campaign and the Republican National Committee. According to the Boston Globe magazine<sup>10</sup>, the firm replied shortly after, saying that “*New Balance did not endorse a candidate in this presidential election or any other. An employee’s personal support of a candidate does not equate to a company’s endorsement.*” Public reaction was actually smoother than for the primary scandal but it is a second proof that enterprises and their employees—especially the high-level ones—must be careful and are being watched over when it comes to political decisions. It would not take much to trigger another scandal.

## 2. ANNUAL REPORTS AND SURVEYS

To measure this new phenomenon, several companies specialized in corporate behavior have conducted surveys this past few years. Even if scientific studies are not numerous, those surveys give us some hint about the current situation and often reflect accurately the citizen’s opinion.

### 2.1. GSG REPORT

The first to mention is the one conducted by the Global Strategy Group corporation. Since 2014, they have interviewed thousands of people in America in order to know the great tendencies in the public opinion. They compiled each year their results in an annual report which is available

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<sup>10</sup> Information retrieved from <https://www.bostonglobe.com/metro/2017/01/13/new-balance-founder-gave-nearly-trump/HEoVw5ig6OHhLKOc3dDorO/story.html>

on their website. Data are fundamentally important to understand how Americans are changing their opinion on corporate political neutrality. The enterprise describes this process as following:

“At GSG, we’ve been tracking corporate engagement in the political and social arena for over two decades, and for the last five years have condensed our findings into this annual Business & Politics study. What is clear, year over year, is that Americans believe companies can, and should, effect social change.”<sup>11</sup>

We have used those reports to illustrate some facts, but it seems essential to give another look at their results. This public opinion survey was conducted among 807 adults, responding on demographic variables such as age, gender, religion, income, political interest, and so on. In thirteen days, they gathered the belief of those 807 Americans on several questions such as corporate political involvement, issues that should be discussed, impact on companies’ reputations, etc. Besides, the Global Strategy group defines itself as the “*authoritative voice on the role that businesses play in the political and social discourse and how this impacts brand perception*”<sup>12</sup>. So even though this survey was not motivated by a scientific concern, or as a part of a scientific research, it is still a representation of the public opinion in the United States of America. Knowing that this is not the ultimate source of information to base this paper, it is still a good fit to understand and illustrate the trend we are talking about.

Since the beginning of this series of surveys, its leaders Julie Hootkin and Tanya Meck have noticed three main tendencies<sup>13</sup>—in addition, obviously, to the one that companies are losing their political neutrality. First of all, consumers and customers are now actively searching to know more about companies’ behavior. People want to have information about corporations and about the ideology hiding behind the product or the service they use. It is no longer only about buying something material it is also joining a belief and a community. This leads to their second observation: there is a need for enterprises to react and stand up in real time. The evolution of technology does not allow occasion for reasoning, there is a call for immediate action. A CEO or a spokesman who does not speak quickly enough after a scandal or even a simple public solicitation is someone who takes the risk for his company to be crucified by the public opinion. Which joins the third and last observation of this report: inaction often comes with penalties. As people are waiting for firms to stand up, it is “*no longer ‘safer’ to sit on the*

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<sup>11</sup> Appendix 2.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

*sidelines*”<sup>14</sup>. This enhances the fact that this call to action is not only the choice of the company anymore, there are too many factors putting the company at risk now and this lets no flexibility for enterprise to move.

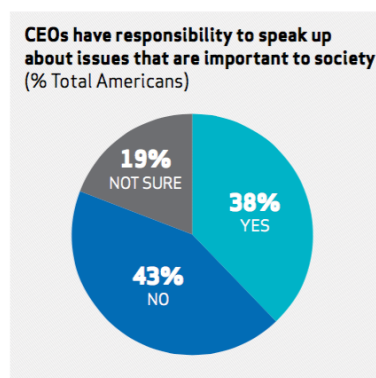
## 2.2. SHANDWICK REPORT

The Dr. Leslie Gaines-Ross, Chief Reputation Strategist at Weber Shandwick since 2006 and former lecturer at The Anderson Graduate School of Management at the University of California, Los Angeles (UCLA), Wharton School of Business, University of Southern California, Boston University and Columbia University, explained that her research showed her two main factors that influence people’s opinion about companies.

“[They] are what customers say about them (88%) and how they react in crisis (85%). In fact, how a company responds to a controversy, including how quickly, is more important in driving public perception about the company than what is said about that company in the media (76%), by employees (76%), on the company’s website (68%), by spokespeople (61%), or in the company’s advertising (61%).” (Gaines-Ross: 2017)

The survey also highlighted how CEO activism was creating both risks and rewards for the leaders and how the public opinion is eager for business leaders to take a stand. Figure 2 hereunder, coming from “The Dawn of CEO activism”<sup>15</sup> report from Shandwick, illustrates this tendency:

**Figure 2. Percentage of Americans believing that CEOs must stand up**



However, this, and in general the entire document, goes well along with the observations made in the GSG’s reports and comforts us in the idea that we are currently going in the right direction

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<sup>14</sup> Appendix 2.

<sup>15</sup> Information retrieved from <https://www.webershandwick.com/uploads/news/files/the-dawn-of-ceo-activism.pdf>

with those pages. Only few researchers are presently working on the Corporate Political Responsibility and it is a shame because this issue is really worth more attention.

### 3. WHAT COULD EXPLAIN THIS BEHAVIOR?

There are several reasons why a company would want to take a stand for a cause even if the urge to do it was not already an incipient trend. It is even more true in the United States of America, which are under the control of a President-elected tweeting and talking without any control of himself.

“The unpredictability of our current political environment, in the U.S. and around the globe, has drawn company leaders into a maelstrom. CEOs don’t know whether a presidential tweet will bring their company into the limelight, or whether a controversial policy will pressure them to speak out.” (Gaines-Ross: 2017)

At this point, studies show that more than half of the executives of world-class companies find primordial to speak up on some policies. The outside pressure for CEOs to stand up can definitely not be denied. People even created an app to notify users when the president talks about a certain company on Twitter (Gaines-Ross: 2017). And in addition to the outside pressure, let us not forget about the internal one. Employees and industry peers are also asking from their high-levelled colleagues to speak up. At Oracle for example, a smaller technology company, hundreds of employees have signed a petition asking for the firm to add its name to an Amicus Brief against Donald Trump.

Furthermore, the fact that by not talking companies could be associated with a controversial ideology is also one of the reasons for this trend. A phenomenon called *brand hijacking*, is shaking executives with fear and is described by Russell Winer—a professor of marketing at the New York University—as followed: “*when a brand, through no active marketing of their own, happens to be picked up by a particular group*”. (Wolf: 2017) A perfect illustration of this is the case of New Balance. After everything the brand has already been through, they still remain the perfect example for this new concept. A few years ago, a neo-Nazi website “The Daily Stormer” said online that the sneakers were “*for white people*” and assimilate the brand to their ideology. New Balance had then no choice than speak up to highlight “*bigotry and hate*” and make a statement about the fact that they were not following any neo-Nazi party. It was a quick and soft move but anyway, when you have a product with a recognizable logo like this, the subconscious association is easily made. And the fact is that, currently, the situation is bad enough for Rick Claypool, research director for the president’s office of the consumer-

advocacy nonprofit Public Citizen, to even talk about a feeling of “*being tarnished by the association with the president*” (Green: 2017).

In a few words, the testimony of Charles Elson—director of the John L. Weinberg Center for Corporate Governance in Delaware—and Dan Eaton—lecturer at the San Diego State University—(Green: 2017) might summarize the situation here:

“If you say nothing, if you say something, if you don’t say enough, you get in trouble.”

“They [CEOs] have to balance the feelings of their customers, their shareholders and ‘the duty they have to their consciences’.”

There is therefore no doubt here that CEOs are compelled to publicly take position on public political issues. They have to preserve their company and meet several societal expectations. Which means that this does not only affect lobbying or other well-known manners of influencing politics anymore but simply speaking, tweeting, even following someone or something on a social media to express contestation.

“However, many business owners and managers find it difficult to define themselves as political actors. Getting involved in party politics is seen as an unsightly business taking place in the capital. But this is a missed opportunity, because saying what you want means preventing distrust. Openly declaring that you’re acting politically is the strongest position,” says Dr. Johannes Bohnen—Executive Board member and co-founder of Bohnen Public Affairs—before introducing a new idea: “A new, bold concept could help: Corporate Political Responsibility, or CPR.”<sup>16</sup>

Although even if Corporate Political Responsibility seems to be an appropriate choice of terms, workers and researchers are already finding other ways to call this phenomenon. As mentioned and explained earlier, people are really beginning to notice and identify this new tendency—as proven by this statement, made by the founder and CEO of Salesforce—the cloud computing firm—Marc Benioff:

“One thing that you’re seeing is that there is a third [political] party emerging in this country, which is the party of CEOs.”<sup>17</sup>

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<sup>16</sup>Appendix 4.

<sup>17</sup> Information retrieved from <https://www.webershandwick.com/uploads/news/files/the-dawn-of-ceo-activism.pdf>

Or in other words:

“Such involvement by corporate leaders with social issues, many of which do not directly affect company business, is a fast-growing corporate and reputational dynamic that may well be the vanguard of a significant movement. In short, we are at the dawn of a new era of “CEO activism.”<sup>18</sup>

#### 4. RESEARCH QUESTION AND HYPOTHESES

Starting from this point, and after all those proofs, we can consider a few questions and issues that might be interesting to point out. There is no doubt about the fact that CEO activism is a real increase concept but the main interrogation regarding to our study case is:

*How are technology companies' CEOs enrolling themselves as political actors and how does their communication about the Muslim Ban fits the theories of political activism?*

A multitude of smaller questions can arise from this and will certainly be raised as this thesis progresses. We will surely wonder what kind of political actor they are, or where exactly they are taking place on the political communication scheme, etc. The two following hypothesis will help us specify this question:

*H1: Technology companies' leaders are acting against the Muslim Ban in accordance with the different theories on political actors' possibilities*

*H2: Their actions are taking place at the beginning of the decision-making process, during the agenda setting of the subject*

Those affirmations will be confirmed—or invalidate—thanks to our research. The first one is related to the consistency between theory and practice and will lead us to authenticate that the casus was a good match. The last one is an assumption which seems logical but still need verification to become true. In both cases, we will discuss later the results.

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<sup>18</sup>Information retrieved from <https://www.webershandwick.com/uploads/news/files/the-dawn-of-ceo-activism.pdf>

## **Chapter 2 – Theoretical background**

### **1. POLITICAL COMMUNICATION AND ITS ACTORS**

#### **1.1. POLITICAL COMMUNICATION**

As mentioned in several books—such as the introduction to political communication by Bryan McNair (2011: 3) for instance—the notion of political communication is truly thought to define with precision. One reason for that might be that both terms are rather complicated to specify and may be used differently depending on the context. For example, we talk here about political communication in a broad sense and not only as the communication of a politician or as the communication used for a political campaign. In his book, McNair mentioned a potential definition by Denton and Woodward (1990: 14):

“pure discussion about the allocation of public resources (revenues), official authority (who is given the power to make legal, legislative and executive decision), and official sanctions (what the state rewards or punishes)”.

McNair (2011) added precision concerning the different behavior included in the definition. According to him, all signs were encompassed, from body language to oral messages and protests. As he said:

“In short, all political discourse is included in our definition. [...] not only verbal or written statements, but also visual means of signification such as dress, make-up, hairstyles, and logo design, i.e. all those elements of communication which might be said to constitute a political ‘image’ or identity.”

Other researchers, as Lee Kaid (2004), are similarly apprehending the terms as wider. The author, to explain his thoughts, mentioned Chaffee and his own view of political communication as the communication within the political process. This approach is maybe unsophisticated but still reflects perfectly the notion we are trying to define. Kaid also stated that political communication was at first used to describe the process by which political actors—institutions or citizens—were cooperating and influencing the political flow.

Finally, the last definition we want to highlight comes from David L. Swanson and Dan Nimmo (1990: 9) who described it as:

“the strategic use of communication to influence public knowledge, beliefs, and action on political matters”.

## 1.2. COMMUNICATION ACTORS

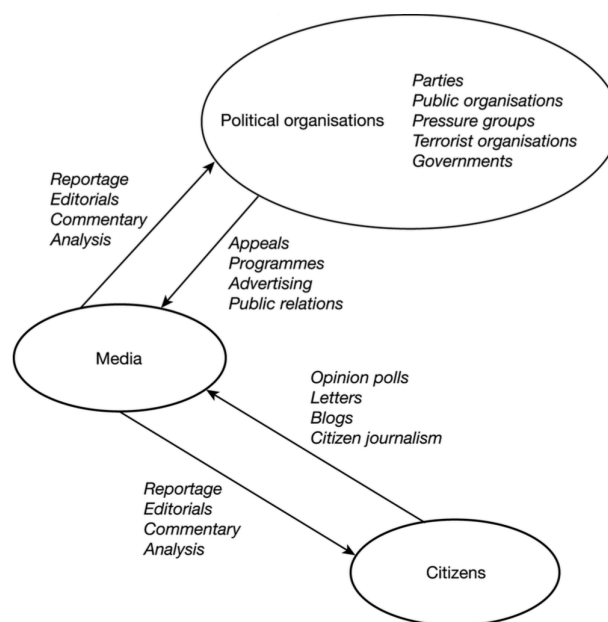
To begin from the start of political communication, the most important step is to define exactly who takes part of this system and how happen the interactions between the different actors. And by political actors we can understand:

“those individuals who aspire, through organizational and institutional means, to influence the decision-making process”. (McNair, 2011: 5)

The figure hereunder is a modelling by the author of “An introduction to political communication”, the aforementioned Bryan McNair (2011: 6). As this thesis will be focusing on the position of a potential new political agent, it is necessary to begin with the comprehension of the political communication system. Even if it could maybe seem too basic, it is essential to understand the process from its foundation.

Therefore, figure 3 illustrates how communication flows in the political system. It understands “political organization” as one of the three political actors currently operating in this structure. This apprehends, as written, political parties, public organizations, pressure groups, terrorist organizations and governments. The features, definitions and conditions of a political actor will be detailed later as we will focus on this particular subject. The point here is really more to highlight the mechanism operating in the political system and resulting in the political communication.

**Figure 3. Organisation of Political Communication**



It is important to understand that this is the relationship between those three main components that creates the different interactions—therefore, the communication—in the political arena and

most of all, that allows it to subsist. Besides, the goal behind every communication is obviously to persuade a target with a certain message. Each actor who ever sends a message always expects to have an impact on the probable receivers and this even more true regarding to political communication. As McNair (2011) said:

“From US presidential campaigns to the lobbying of individual MPs and senators, the communicator hopes that there will be some positive (from his or her point of view) impact on the political behaviour of the recipient.”

In our case, there is no hesitation to say that it mainly aims the citizens which therefore can be seen as the global audience of this system, the second key component of our process. In the United States of America and within the framework of public policy, we can also assume that this audience is rather broad than narrow. Obviously, let us not forget that communication works in both ways and consequently that the audience can become the sender while the former sender become the new recipient. Sometimes political agents talk to the citizen but sometimes it is the public that has a message for the politics.

Last but not least, the third element on Figure 3 is the media. In a broad sense, it includes not only the traditional media as we know them but also other various forms of mediators. From written form of media to online website or even broadcast radio or televisual programmes, the list continues to grow as technology evolves. As we just mentioned it, there is an interdependent type of relation between the two other actors and thus media are almost always the mediators from one to the other, either it is from officials to citizen or the opposite. All political agents must get through a media channel to reach its goal and have their messages delivered.

The controversial part here is that media are not always partial. When it is not a mechanical medium but a human operating one, the risk is that the transmitter adds value judgments or bias to the message. Once again, McNair (2011) emphasized it when saying that:

“The media, of course, do not simply report, in a neutral and impartial way, what is going on in the political arena around them.”

On the other hand, media have so much importance on the political scene that their partiality is not enough to ignore or avoid them. This is why the precision given by the same author (McNair: 2011) right after this must be reported as well:

“While arguments about the precise efficacy of the media’s political output continue, there is no disagreement about their central role in the political process, relaying and interpreting objective happenings in the political sphere, and facilitating subjective perceptions of them in

the wider public sphere. For this reason, media ‘biases’ are of key political importance. Not only do the media report politics; they are a crucial part of the environment in which politics is pursued. They contribute to policy discussion and resolution, not only in so far as they set public agendas or provide platforms for politicians to make their views known to the public, but also in judging and critiquing the variety of political viewpoints in circulation.”

This third component is therefore crucial in this scheme represented on Figure 3. The fact that it allows space for political debates also makes it a good influencer on public agenda setting. Media, moreover, influence agenda setting by enhancing some subjects and issues and totally ignoring others. Depending on whether or not, they gave a politician or a party a favourable opinion or not, they can change political outcomes. It is thus logical to know that when they communicate, political agents are extremely careful about their timing.

Additionally, political communication is primordial because of its role as a democratic advocate. In a world where democracy is one of the most valuable and wanted notions, this is more than significant. For an informed and aware electorate, you need an accessible discussion about politics in an open public arena, available to every citizen. This is where media enter the game, where political choices are made after a free diffusion of information and debates. After all, some authors like Nimmo and Combs (1992, p. xv) already understood it a long time ago:

“Historically, the mass media were heralded as the ultimate instruments of democracy... [They] were destined to unite, educate, and, as a result, improve the actions and decisions of the polity.”

Before switching to the next concept, we need to add that as mentioned in his book, McNair (2011) talked about the growing influence of the international scene. Seven years later, this is still true as no country can make any public policy moves without the rest of the world interfering. However, this is actually not the most relevant change in political communication since new technologies, social media and other online technical progress blurred all time and distance difficulty in the circulation of news—political or not. This is therefore not an international type of development anymore but globalization one.

## 2. PUBLIC POLICY CONTEXT

It is not easy to go through a subject as wide as “*political communication*” without paying more attention to its political details. In our case, we need to go further in the direction of “*public policy*”. The official online Cambridge Dictionary depicts it as “*a government policy that affects*

*everyone in a country or state*”<sup>19</sup> and it seems relatively accurate. In a more scientific way, Pr. Patrick Hassenteufel—political science professor at the Versailles Saint Quentin University—defined it as following in his book “Sociologie politique : l’action publique” (2011, 7):

“[...] les politiques publiques forment les programmes d’action suivis par les autorités étatiques, autrement dit les *policies* de la *polity* !”

Which means that he fundamentally agrees with the first definition given: public policies are the political decision and action which are taken by the State—or its representative. He also referred to the work of Jean-Claude Thoenig (1985, 6) who, after gathering almost 50 different definitions, got to the conclusion that:

“Une politique publique se présente sous la forme d’un programme d’action propre à une ou plusieurs autorités publiques ou gouvernementales”

It looks therefore that researchers, and mostly everyone agree on this type of definition. Indeed, the French definition given right before says that public policies are appearing into the shape of an action program coming from and attached to one or more public or governmental authorities. The key components obviously being that this is a set of coherent actions created to last by an official authority.

Three factors (Hassenteufel, 2011: 9) can be developed to concretely understand a public policy: its foundations (so basically the motive behind its existence), its instruments (whatever is used to implement its rules) and the audience (which is going to be impacted by it). Those factors can—and must—be likened to the three stages of a public policy: agenda setting, decision process and finally the implementation. The first steps of an analysis are then to identify what lies in the background of a public policy to find out why and how it exists, added to what its exact timing is—as the three various stages aforesaid are truly essential.

A categorization of public policies has been developed by Théodore Lowi (1972) and are still—even if there are limits to his theory—giving us hints on the subject almost fifty years later. He gave four modes of public policies, to which Dr. Patrick Hassenteufel (2011: 11) added two more variables. According to them, there were:

- Regulatory policy: a constraint made of rules applying on every citizen affected by some criteria’s;

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<sup>19</sup>Information retrieved from <https://dictionary.cambridge.org/dictionary/english/public-policy>

- Distributive policy: a series of authorizations and permission for citizens responding to some criteria's;
- Redistributive policy: a pack of rules affecting a certain group, defined by the State following some criteria's;
- Constitutive policy: rules about rules, this means that the States edit a regulation about procedures;
- Direct intervention policy: a policy without constraint, in the case of the State creating something for example, or taking material measures;
- Incentive policy: a policy without coercion but using persuasion and incentive mechanism to achieve something.

Obviously, and even if Lowi did not consider this idea, those six types of policies are not mutually exclusive and thus might be used on a same purpose. A country could for example use laws to forbid something, then incentive like taxes, fees or a bonus to push people to use something instead, and so on. Hence, Hassenteufel reminded us that we should therefore be careful by not stopping at the first criteria observed. Instead, he insisted on the fact that as policies are created to last, we should analyze them on the long run. (2011, 13)

It is finally worth pointing out that a public policy always implies that there is a need of answers to some problems or some responses to an issue. Fundamentally, there is generally something hiding behind every new project of this kind. Focusing on the background of a specific public policy thus also means that we need to understand the reasons why this particular subject was needed and how it has become a purpose of agenda setting.

John Kingdon (1984, 174) described three main types of flows that could explain the agenda setting of a matter. According to him, the first one is the problem stream: a particular subject get the attention of the authorities because it is problematic. The second one is the policy stream, as some solutions are already known from the State and available to be implemented to adjust policies. And finally, the third one is the political stream when the subject is brought to the table and discussed by some political agent: public opinion, political parties, executive representative and collective negotiation. Hence, it is the combination of those three stages that creates a policy window allowing the birth of the agenda setting. The author described this specific moment as the time when:

“[Lorsqu’] un problème est reconnu, une solution est développée et disponible au sein de la communauté des politiques publiques, un changement politique en fait le moment adéquat pour un changement de politique et les contraintes potentielles ne sont pas trop fortes. ”

A French version of what we just said. The timing of agenda setting is made when a problem is acknowledged, a solution found and available and finally a political change is settled when the constraints are not at their worst.

Finally, this leads us to the notion of a policy network. This is based on the assumption that public policies are not only resulting from the work of the State and its official agents but that it comes from a complex combination of a wider panel of interacting actors—whether they are private or public. This idea was already described by Patrick Le Galès and Mark Thatcher (1995 :14) several decades ago:

“[...] les réseaux (d’action publique) sont le résultat de la coopération plus ou moins stable, non hiérarchique, entre des organisations qui se connaissent et se reconnaissent, négocient, échangent des ressources et peuvent partager des normes et intérêts. Ces réseaux jouent un rôle déterminant dans la mise sur agenda, la décision et la mise en place de l’action publique.”

They highlighted the fact that this policy network has an important function into the political process. In their own words, aforementioned in French, “*those networks play a decisive role in the agenda setting, decision-making and implementation of public policy*”. It seems thus even more interesting to investigate the importance and the responsibility of the conceivably new actors appearing in our current society, as we have noticed in the first parts of those pages.

### 3. BEING A POLITICAL AGENT

In order to know if we truly are currently witnessing the rise of new potential political actors, we need to dive deeper into this part of the subject. What are the main types of political agents? How are they recognized by the authority? What are their different resources? Of even how does someone become a political agent? What are the possible aims of a political agent? Several questions, some of them above mentioned and some of them new, but all there to help us understand the role of those agents.

The first distinction to notice here is the approach we are making of political agent. At the beginning of political sciences, some researchers defined the fact that the potential agents were obviously and definitely always state actors. This encompassed government agents and officials, high-leveled functionaries, and so on. (Hassenteufel, 2011: 157) On the other hand, in different countries and different cultures, some scientists declared that they were partisans of

another theory: the pluralist approach. Mostly based in the United States of America, this principle was stating that some political actors might be outsiders, might not belong to the State and be a part of a private entity. This legitimately assets the power of influence owned by non-state agents or groups, mainly categorized as pressure groups or interest groups and with no string attached to the State. (Hassenteufel, 2011: 187) In this thesis we will take the stand of the pluralist approach as we accept that the political system is not only the responsibility of the State.

The second characteristic to highlight is the fact that when you talk about a political actor, you postulate that he is legitimately independent. They can act and most of all choose to act in whatever way they want to, even if there are some rules or limitations, they have a freedom of thinking and a freedom of speech that let them be a refreshing voice in the political arena. As the author Musselin (2005: 64) explained it, the actors manage to free themselves—at least partially—from the limitations of their environment and therefore get a certain autonomy:

“Les acteurs sont insérés dans de multiples contraintes qui visent souvent à circonscrire leurs comportements, mais dont ils parviennent toujours à s’affranchir partiellement. Ils disposent donc d’une certaine autonomie.”

To analyze political actors, Dr. Hassenteufel suggest beginning from a definition from Fritz Sharpf giving us hints about how they can be characterized by some criteria's. Following Sharpf (1997, 45), they are defined by “*specific capacities, specific perceptions and specific preferences*”. Those three elements lead us to more general features: their resources, the representation system to which they adhere and the particular interest they aim. We also need to specify that an actor is not specifically an individual but might also be a group or a collectivity, thus representing individuals having the same opinions, goals and resources.

- Positional resources: this relates to the position occupied by the actor in relation to the political process. Some actors—usually the official authorities—have access to the different step of the policies' creation while some others have no direct influence or real legitimate impact on it. Even having a dominant position in the media is sometimes enough to be well positioned.
- Material resources: here is a more collective type of resources. Financial means, human means, technical—or operational as Hassenteufel (2011: 118) called them—means and so on, all are encompassed in this particular category.

- Knowledge resources: this one refers to not only the information that the actor already know or could possibly learn but also at his capacity to assimilate them—using them, drawing conclusion, inferring a new concept, etc.
- Political resources: being democratically legitimate is a powerful characteristic that is not always possible. Anyways, some actors have more political resources—more influence, the possibility to talk for the collectivity or even access to other political actors—and some others do not.
- Social resources: it is more about networking here. The social—and not simply political—web that the actor is a part of allows him to have more opportunities. Social acknowledgment is a powerful asset in society, whether it is online or in real life.
- Temporal resources: two notions are involved in the temporal resources, as it could be the time that an agent can spend on politics as well as the time he has already spent in the political scene. In both cases, it gives him more legitimacy and allows him to obtain more credit and power over time.

We should not forget that those resources are not exclusive and even have a certain interdependency. One can help the actor get the other—e.g. the temporal resources can help someone gain more knowledge resources. Therefore, analyzing a public policy agent from this point of view can be truly more complex than it appears at the beginning. This is besides not enough to understand everything that is standing behind an agent. As Hassenteufel (2011: 119) said:

“Les ressources accumulées par un acteur déterminent sa capacité d’action publique et la représentation qu’il s’en fait ; elles conditionnent donc fortement les stratégies qu’il envisage et qu’il estime possibles. Mais l’analyse des ressources n’est pas suffisante pour comprendre l’orientation de l’action d’un acteur. ”

We should thus take a further look on the two other specifications Sharpf and Hassenteufel were talking about earlier. Which is to say their preferred representation system and their actual interest goal.

Secondly—after the resources point—, we need to talk about the ideology they adhere and identify the composition of this ideology. In the continuity of his chapter about public policies actors, Patrick Hassenteufel (2011: 120) mentioned four various theories on how to do this analysis but he also got to the point that they all are problematic because they supposed different views of public action and policy. He therefore suggested a fifth and more neutral approach,

using the representation system. Unfortunately, he finally explained that this part was particularly complicated and he highlighted four limitations to overcome in order to understand completely the system of representation behind an actor. As this would require another complete and deeper research to clearly define this and properly apprehend an analysis like this, we will not go further on this subject. Anyways, we recommend the work of Hassenteufel and the authors he mentioned in his book if the lector wants some more information.

Thirdly, and finally, the last component of a public policy actor's complexity is the goal he pursues when he acts in the political process. Three main types of interest have been identified by Hassenteufel (2011: 129): material interests, which are usually the leading goal, the most important one; power interests, which mostly refer to power position in the political scheme as it is more than often an incentive of strategic choices; and finally interests linked directly to the identity of the actor, as explained by the author (2011: 129) in French:

“Le fait d’agir en adéquation avec des valeurs auxquelles l’on croit peut représenter une motivation forte à intervenir sur un enjeu de politique publique. L’intérêt poursuivi relève alors de l’ordre du symbolique en articulant représentations et actions.”

So the combination of those three elements—resources, representation system and interest—can give us a better idea of the different actors on the public market. However, this analysis is clearly not sufficient to grasp the complex of a political agent properly.

When we talk about political actors, we should definitely not forget that they can be an individual person but they can as well be a collectivity. It is frequently the case when nonpolitical actors gather to gain more power and more legitimacy. So the next step is to understand how this is possible and how those collectivities can act. In order to reflect the scheme of analysis we have been talking about on the previous pages, the resources are the first element to emphasize.

Beforehand, a preliminary distinction still needs to be done: there are three main categories of political collectivities—or interest groups. Hassenteufel (2011:190) came up with this representation after underlining the fact that the other well-known theories were limited. He therefore suggested a categorization based on the interests protected by the collectivity. Primarily, there are categorical groups, who are defending exclusive interests. To be encompassed by those interests, you need to be in a specific group—as suggests the word exclusive. This can be for example because of your profession—doctors, lawyers, and so on—or because of your status—married, citizens, homeless, etc.—or anything that can differentiate

you from others. Then there are conviction groups, protecting inclusive interests. On the opposite of exclusive ones, they aim some more universal values. Anyone thinking they could belong to the defended group can be a part of it and anyone believing in those values can defend the one who are affected. Finally, there are the territorial groups, who focus on interest in a particular geographical zone. As their name implies it, it is more about a geographical issue instead of because of the belonging to a certain community.

Regarding to the resources exploration of a non-political agent, the same consideration can be made whether it is from an individual or a collectivity: you cannot always completely dissociate public and private resources. Indeed, as the State—and therefore the authorities—sometimes acknowledges an actor, it leads to the fact that it opens a door for him. When the officials admit the veracity of someone, they give him recognition, legitimacy and power because if the State allows it to simply be a political actor, it means that everyone needs to accept this existence. Resources can consequently not be strictly private. Without this credit, private groups would have far fewer possibilities of action and this could thus be considered as political resources, given by the State to any actor considered legitimate. (Hassenteufel, 2011: 190–191) Another resource needed by collectivities is often recognition from the public opinion, which as we just said, is sometimes linked to the recognition from the authorities but not only. As Hassenteufel (2011: 191) explained it, categorical groups need to be a good representative of the collectivity they defend and conviction groups need to assimilate themselves to the values they follow. Some of their actions can be justified by this need of legitimacy from the public opinion. This point will besides be later considered in the discussion part, as it coincides directly with the motivation of a company to gain popularity.

The second step to apprehend public policies' actors is to define their range of action. Concerning this, we will refer to the work of Charles Tilly (1984), which may be old but still reflect the main possibilities of collective actions. He gave seven sets of action, all of them being characterized by two elements. Either they aim to a direct or indirect effect and either they established themselves in a logic of influence or contestation. Actions in order to influence usually takes place during the agenda setting or the decisional process while the ones in order to contest obviously happens after the implementation of the policy.

- Lobbying: this one is a direct action aiming to influence the political process and is the most used one—in particular in America. It is the act of trying to encourage the political decision to go in a certain direction by using pressure, and so on.

- Negotiation: negotiation is also a direct action in a goal of influence and it has the same mechanism as lobbying but in a more general way. It is often groups being represented by a delegate in an official debate that provide political direction. This is why to be authorized in this discussion and to be allowed to negotiate it, an actor needs to be acknowledged as legally legitimate.
- Conflictual action: this third action is a direct one but this time in order to protest a decision—potential or already made. The first and obvious example is the strike action but can also be mentioned the boycott, the destruction of goods, and so on. It is definitely not the most constructive way to act but it is frequently used by the least privileged class as this does not require a lot of resources.
- Legal action: common action in the United States of America, this is a direct way to contest something by using the legal path. Its use is rather recent and is an evidence that the political field is more and more mixing with other sphere of expertise.
- Manifestation: this is a contestation act both direct and indirect as this can be used against a particular decision or implementation or in a more general sense against an ideology. Furthermore, manifestations are also often mediated and therefore sometimes hide another goal of getting the public opinion to pay attention and maybe give credit or approbation to a certain group.
- Symbolic action: one of the most recent way to act indirectly to contest a policy, this is also the most staged one. It can encompass for example sit-in or die-in as Hassenteufel (2011: 197) mentioned in his book, but also people chaining themselves together or to something, or making a hunger strike. Few resources are required for this type of action and it is thus the first and best option of smaller groups or less legitimated collectivity.
- Public stand: indirect manner to influence the decisional process, public stands are enabled by the evolution of media. It is now extremely easy to take a stand and spread it to the population. As manifestations and symbolic actions, public stands tend to aim the public opinion approval.

In addition to those seven possibilities, it is important to remember that when talking about the United States of America, the context is primordial. According to Schlozman and Tierney (1986: 365), there is a growing movement towards forms of action that are less used in other countries or that are more recent: legal action, protest action, or even the use of media in a way that has never been seen before. This proliferation might be explained by the pluralistic

approach, as Americans have often considered that anyone—even non-political entity—can be a part of the political system. This also means that legislative power is not the only target of action anymore but that executive administrative and judicial powers are aimed as well. In other words, that signifies that even the President of the United States of America might be a target of the action of some non-political actors.

Those actions are definitely not exclusive, which implies that an actor often choose more than one of them. They use the most interesting possibility regarding to their resources, the timing of the policy process or the effect they want to obtain. Other incentives can also play a role in their choice: the position they have on political level, the interaction they already had with the authorities, the action that has already been implemented against the public policy involved. We should therefore be careful and pay particular attention to the possible small actions employed that sometimes disappear behind a spectacular intervention.

## Chapter 3 – Methodology and Casus

### 1. METHODOLOGICAL APPROACH

We already knew that new technologies and new media were blurring the lines between real and unreal, private and public, or even possible and impossible. This subject and, moreover, this case is one of the many proofs that everything is evolving with it. New risks are coming to light and we need new theories about them if we want to be able to interact properly. As an academic agent, furthermore, specialised in communication, it is important to recognize those changes and to be able to adapt.

In order to approach the subject and to start a conversation on this CEO activism, the first steps are to define concepts and to assets the issue. This thesis is therefore not a quantitative study or a survey amongst the population—as it has already been done by the GSG group or Shandwick for example and as it was difficult to settle from Europe when talking about an American case—but more of a qualitative introduction. The first question to ask when you want to learn more about a potential new actor of the political field is to certify that this actor is legitimate and check every characteristic of him.

This is why for this analysis we will take the theoretical background described before and answer to each question—mainly by making the verification of the various categories of action, motivations, etc. Starting from the beginning and wide classifications, we will eventually take a look at a series of actions taken by CEO, firms' representative or even firms themselves so that we will have a better understanding of this activism. How this list of actions has been constituted will be discussed later in the limitation of this study, but we can already tell that this is not a complete census and that they will mainly be useful as examples and not as a number in a qualitative analysis.

We will mainly try to answer the questions encountered in those pages. Our principal question was “How are technology companies' CEOs enrolling themselves as political actors and how does their communication about the Muslim Ban fits the theories of political activism?” The two hypotheses described previously will also have to be verified. This will be done then discussed in a further chapter as we will learn the accuracy of our assumptions.

The complexity of the issue is why I got interested in this subject, as it mixes politics, communications, human rights, social media, ... All types of matters that fit into the idea I have of an interesting study area, as a communication researcher. Those changes are not only impacting the political field but the communication one as well. I wanted to highlight that now

everything—even politics or firms’ opinions—is becoming real part of the communication system, with its own risks and theories, and that the frontier between private life and corporate life is thinner every day. All of this is making me believe that we need to get more implicated in those changes, we need to be more prepared for what is coming next.

## 2. DATA COLLECTION

Being a European citizen, the only possible way to collect the relevant data was via the internet. Not only was it easier, but it was, moreover, more cost-effective and less time consuming. The chance that CEOs from firms like Facebook or Amazon would answer requests and questions about their political choices was so thin the try was not worth it. On the other hand, the rise of Internet and social media in the life of the younger generation is undisputable and represents an incredible opportunity in terms of accessibility and velocity. This collect of data was not an exception.

Besides, KhosraviNik and Unger (2016, 230) pointed out that “*a large proportion of day-to-day verbal and visual communication has migrated to various participatory web platforms*”. In Western societies, the use of social media by politicians and political actors in general is more and more common over the years. (Bartlett, 2014) No one can then actually deny the turn that modern communication has made and the fact that the political skyline was not spared. Even the President-Elected Donald Trump has continued tweeting without hesitation after his election, selling himself as a normal person, using social media as a democratic tool to connect with the citizens. Engesser et al. (2016, 2) highlighted this grassroots tendency:

“while the mass media adhere to professional norms and news values, social media serve as direct linkage to the people and allow the populists to circumvent the journalistic gatekeepers”

Which, as Kreis (2017: 4) explained it, this suppress the mediation between sender and receiver. This is all part of a well-considered communication as even the use of certain words, often a more casual language, helps the author of the message to be considered as closer to the citizen. And if the subject of the tweets is controversial it is even better, as people will see the flow of information as a soap opera. Kreis (Ibid: 4) mentioned for instance the study of Theocharis et al. (2016, 1023) as proof since they also found out that social media could “improve candidates’ electoral performance” thanks to the virality offered by that type of show.

There was therefore zero doubt when the decision concerning the research of information about CEO activism needed to be made. Obviously, some official documents were found via certified

websites—such as the amicus brief we will be using later—but this was once again online and thanks to primary information found on some magazine’s websites. The media landscape is evolving and with the democratisation of political communication, online research of documents was the obvious choice.

Regarding to the concrete communication coming from companies’ representative like a CEO or other high-levelled employees, the data were disseminated on different channels: records of public speech, publications on Instagram or Twitter, open letters, extracts of intern communication, and so on. We gathered a small number of messages from CEOs taking a public stand: a large majority was coming from Twitter, some came from Facebook and three other statements were longer and therefore broadcast on other media. We have also collected information about other events such as protests in airports, symbolic actions, and so on. The amount of data used here is rather low but will be explained by the limitation of the study. Besides, those messages will mainly be used as an example and not as a part of a quantitative analysis.

### 3. CASUS

#### 3.1. THE ‘TRUMP SITUATION’

The choice of a case to analyse was, surprisingly, rather obvious at the time. A presidential election in the United States of America is always reported as a success story with worldwide interest and Europe does not derogate to the outpouring of information on the subject. Ramona Kreis (2017: 5), from the University of Florida, gave a rather great summary of how this works across the ocean:

“The political system of the United States is a presidential system, that is, the President is both head of state and head of government. The President is elected by the citizens of the U.S., albeit indirectly through an Electoral College, while senators and House representatives are elected directly by the people. The political culture of the U.S. is influenced by a two-party system and can hence be considered as more polarized than most European systems. The last presidential election was particularly polarizing with long-time politician, Hillary Clinton, and political outsider and reality show celebrities, Donald Trump, competing against each other.”

So in 2016, on November 8<sup>th</sup>, the Republican Donald Trump won the presidential run and become the 45<sup>th</sup> President of the 50 states. Shortly after that and his investiture on January the 20<sup>th</sup>, he began to take unpredictable measures, unleashing a torrent of contestation and surprises.

With no surprise, a decision later nicknamed as “Muslim Ban” was no exception and came with a lot of reactions.

In the interest of a better understanding of our main issue, it is primordial to have a look on the twists and turns of this Muslim Ban directive. The facts are concretely more complex than what will be summarised in those pages and a complete description can be found online. It is nonetheless not the place to discuss the details of this case as it is not extremely relevant for the appreciation of our problem. Therefore, here is a shorter briefing of what happened:

- On the 27<sup>th</sup> of January 2017, seven days after his investiture, the President Trump launched the **Executive Order 13769**<sup>20</sup>, forbidding entry into the United States of America for citizens coming from seven countries: Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen. For 90 days, those civilians were not allowed to enter the country, while the interdiction lasted 120 for Syrian refugees and was definitive for any other refugees. The order was effective immediately and announced the beginning of several arrests at the borders, detention at airports, and so on. Quickly, this order was rebranded as “**Muslim Ban**” and protests started flourishing all around the country, especially in front of airports. Slogans such as “No hate, no fear, refugees are welcome here” or hashtags like #NoBan started spreading everywhere.

The 28<sup>th</sup> of January marked the start of a long legal battle. The first suits were filed in different states and a federal judge in New York agreed to help prevent the deportation of people affected by the ban if they have a visa, a green card or are proven refugees. The Executive Order is therefore partially blocked. During the next days, a temporary restraining order was issued to prohibit the authorities of banishing legally authorised individuals and people continued to fight the ban. The President Trump fought back by firing the Attorney General Sally Yates. In an official statement, the authorities declared that Yates was “*an Obama Administration appointee who is weak on borders and very weak on illegal immigration*”<sup>21</sup>. The American Civil Liberties Union (ACLU) began to act by filling in an Amicus Brief and with affiliates filling in some forms as well.

A federal judge from Seattle issued a new blocking order on February 3, obstructing the application of the Executive Order. More suing processes are launched and Donald

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<sup>20</sup> Appendix 5.

<sup>21</sup> Appendix 6.

Trump finally appealed the decision, which was rejected on February 9. The Muslim Ban was blocked for what seemed to be a while.

Meanwhile, on the 5<sup>th</sup> of February, more than 150 companies signed an “Amicus Brief”, joining their voice to the debate and the “STATE OF WASHINGTON et al., v. DONALD J. TRUMP, et al.” court case.

- It appeared that the newly elected President was more obstinate than this. On the **6<sup>th</sup> of March 2017**, he published a new **Executive Order, number 13780**. As explained in the official announcement from the White House<sup>22</sup>, the new directive was a version slightly different of the previous one. In a matter of hours, the order was renamed “**Muslim Ban 2.0**” and people claimed was not fooling them. To defend his own point of view, the President declared in the announcement that:

“(…) in order to avoid spending additional time pursuing litigation, I am revoking Executive Order 13769 and replacing it with this order, which expressly excludes from the suspensions categories of aliens that have prompted judicial concerns and which clarifies or refines the approach to certain other issues or categories of affected aliens”<sup>23</sup>.

In other words, the changes were really light. People owning a visa or a green card were now authorised on the territory and Iraq was removed from the list of affected countries. The order was supposedly coming to effect on the 16<sup>th</sup> of March but arose a new wave of contestation as soon as it came out.

Two days later, on March 8, the State of Hawaii decided to sue the President, asserting that the ban was unconstitutional. Following this, the federal district court in Hawaii opted for a restriction of the order. It was thus blocked across the country right before taking effect and was even defeated a second time on the exact day of its supposed application, as ACLU won in Maryland. As the President was obviously not pleased by this whole story, the United States Supreme Court accepted to let a narrowed version of the ban to apply. The notion of “bona fide relationship” appeared and this new ban was going to go into effect on June 29.

- “**Muslim Ban 3.0**” was born on **September 24** as a third version of the initial order. Through a Presidential Proclamation<sup>24</sup>, Trump decided that persons seeking visas and

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<sup>22</sup> Appendix 7.

<sup>23</sup> Ibid.

<sup>24</sup> Appendix 8.

coming from certain countries will be blocked indefinitely. To avoid the comparison to a Muslim Ban, the President also added new countries to the list: Chad, North Korea, even some citizens from Venezuela were added individually. Concerning refugees, nothing changed since the ban 2.0 was still partially effective. This time, the order was effective immediately for some—those without a bona fide relationship—while others were given until the 18<sup>th</sup> of October to take some dispositions. Legal actions began on September 29 with ACLU filling in a complaint and continued with Hawaii challenging the President once again on October 10. One week after, the State and ACLU won and blocked this Muslim Ban 3.0 while 2.0 was still effective on refugees.

- A new ban was created a month later, on **October 24**, as Trump issued a Proclamation against refugees. This time, the United States Refugee Admissions Program was restored as well as the possibility to ban particular migrants regarding to their nationality. At the end of the day, the combination of Muslim Ban 3.0 and this brand new **Refugee Ban** created the same restriction as Muslim Ban 1.0.

On December 4, the U.S. Supreme Court allowed the Muslim Ban 3.0 to take full effect immediately, letting it affect more than thousand million people, mostly Muslims. It also allowed it to stay in action during any potential legal litigation. Thanks to this decision, the Order remained effective while some legal actions were taken against it.

A few months later, and after a short time of blocked Refugee Ban, the two orders are now in full effect. While writing those pages—end of July 2018—the situation has slowed down. ACLU and some other actors are still fighting and people are hoping for a change. Trump, on the other hand, finally managed to ban millions of people out of America, as expected with the Muslim Ban 1.0.

Three facts have since particularly struck the researchers. The first one is that even though public opinion was not that much in disfavor of an eventual Muslim Ban, the wind has quickly turned after the election. As explained by Collingwood, Lajevardi, and Oskooii (2018: 23) a YouGov poll found in March 2016 that 51% of all Americans agreed that a temporary ban against Muslims was a good idea. Still, when the Executive Order officially came to live, citizens started to negatively react even though they were formerly rather supportive. This shift of the public opinion was one of the many surprises that followed the election of the Republican Trump.

This leads to the second singularity of this case: the fact that Trump and his administration have conscientiously told to the population that this ban was not targeting “Muslim” even though they *were* the ones affected by the banishment. They denied the fact without really trying to hide their motivation. While officially the President was supposed to be unbiased, he still had extremely racist comments, and while saying that the ban was an attempt to protect the country, he still continued to accuse Muslims of the different attacks of those past few years. This paradoxical dimension in the President activity has not escaped the public, who was increasingly skeptical as the file progressed. Proof of this was the appellation “Muslim Ban” which was not official but still made its way across the world.

Last but not least, and still in line with the previous facts, is another observation made by Collingwood, Lajevardi, and Oskooii. Because not only have the administration Trump denied the belief of the American population, they also have persisted on a path that was legally contentious. As the three aforementioned authors (2018: 25) said:

“Before we conclude, we would be remiss not to mention that this administration’s travel ban is one of the more disturbing executive actions of the modern presidency, one that calls into question fundamental tenets of religious freedom and poses a serious threat to the rights and protections of racial, ethnic, and religious minorities. What is perhaps more troubling is that the administration, despite numerous setbacks, has attempted to implement new versions of the ban that could potentially skirt legal scrutiny by federal courts. Thus, while the ban has faced widespread media and elite criticism and public opinion shifted against it, the administration has not shown any signs of changing course.”

### 3.2. OUTBREAK OF REACTIONS

When we said that reactions were quickly spreading across the web, that was not an understatement. People have reacted from all around the United States of America but also from all around the world. Racism and terrorism are two really discussed subjects but they are also international matters as terrorist attacks are happening everywhere and racism is spreading accordingly to that. The Muslim Ban was all over the news and leaders, celebrities, even average citizens were talking about it.

Amongst all the reactions of the audience, one in particular has caught our attention: the one involving businesses, who were supposed to be politically neutral. We have noticed in our first pages that firms and CEOs—or other high-leveled employees—were taking public stands more and more often but this time was a particularly great example. In three days, almost every CEO

known by the public had spoken against the President. For those who had not spoken fast enough, the situation was risky as well. Kara Swisher, a technology business journalist known for her work and the website Recode—which she co-founded—tweeted a call to action the very next day:

“Will tech leaders come out strongly and publicly against Trump’s Muslim ban? I’m taking names. First part of that expression to follow.” (@karaswisher; 28 January 2017)<sup>25</sup>

There was therefore not much space allowed for cold feet. Technologies companies’ representatives are sometimes real celebrities in the current society: Bill Gates, Steve Jobs, Elon Musk, Mark Zuckerberg, and even Alan Turing have become new iconic figures. People make movies about them, citizens know who they are, what they think, and so on. Moreover, Americans want to know more about those famous leaders. This was therefore not a surprise to learn that people were eager to hear what they had to say about the Ban. This tendency has also been proved in the GSG report we have talked about earlier. Kara Swisher’s tweet was incentive but it was not the only reason CEO showed up.

Another good point is that reactions were flourishing under various forms. Some leaders stood up publicly by commenting on social media or by attending protests, some sent their employees a note, and some were even truly much more creative. At the beginning of February, they even reached a new stage by participating in legal action and joining an Amicus Brief. At the end, it was really tough to find each reaction but we have gathered enough of them to have an interesting panel to analyse.

This way, the Muslim Ban was slowly becoming the perfect example of our issue.

### 3.3. RELEVANCY OF THE STUDY CASE

A lot of reasons could explain the tendency for CEOs of technology companies to take a stand on public policy. We have talked about some of them, but others maybe still remain. For instance, it would be weird for the leader of such a company not to talk on social media. What would people think if the CEO of Facebook was not using his own website to communicate? It is inherent to his role, to his position.

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<sup>25</sup> Appendix 9.

Anyways, Donald Trump is also one of the motives of our choice of casus. Kreis (2017: 2) is one of the authors that have been following the President social activity for their research and he wrote:

“President Trump might represent the most prevalent example when it comes to taking advantage of the affordances of Twitter, as he has used the platform as a major form of communication and tool to disseminate his ideologies. Since he announced to run for President of the United States in 2015, he has continuously used Twitter to communicate his political agenda, and even as President he has frequently tweeted from his private Twitter account (@realDonaldTrump), [...]”

This is why, with everything we have just mentioned, the case of the Muslim Ban—and its following versions—seems to be a good fit to illustrate our issue and finally apprehend the thriving place of CEOs between the political communication scheme.

## Chapter 4 – Analysis

### 1. POLITICAL COMMUNICATION SYSTEM

In order to answer our questions and to make the best analysis we could, we need to locate the seat of those actors into the political communication scheme. Which implies that we are also making the postulate that those actors *are* actual actors with all their characteristics and everything we have talked about previously. This way, we can go further and start from the beginning of our theoretical background to ask ourselves questions regarding whether or not this CEO activism is possibly defined as a type of political action.

The fact that the discussion about the Muslim Ban is a subject of political communication seems rather obvious. Anyways, considering the definitions mentioned in the second chapter of this thesis, we can verify the veracity of this belief. For example, the definitions given by Chaffee (1975) or Swanson and Nimmo (1990, 9) are a perfect fit for the situation. The debate is a matter of “*communication in the political process*” and is intended to potentially influence public views. Even if we follow the definition from Denton and Woodward (1990: 14), which is more specific in its description, it is clearly appropriate:

“pure discussion about the allocation of public resources (revenues), official authority (who is given the power to make legal, legislative and executive decision), and official sanctions (what the state rewards or punishes)”. (1990; 14)

If someone had still any doubt regarding to this, the definition from Bryan McNair (2011: 5) when he talked about the political actor is also fitting firms and their representatives. Therefore, the fact that CEOs are a political agent is not a postulate anymore but a proved fact. The authors said:

“[political actors are] those individuals who aspire, though organizational and institutional means, to influence the decision-making process”

Which is exactly what companies and CEOs have been trying to do. Even if their motive was maybe not always clear and even if the results of all those reactions were maybe not those hopefully expected—we will talk about it later—they were fighting against different versions of an order they found unbelievably abnormal.

Once again following McNair (2011: 6), we were earlier commenting a figure illustrating the political system and its communication flow. At the time where it was conceived, enterprises were not particularly considered as common actors and it is thus not a surprise if they are not specifically included in McNair explanation. To insert them in his scheme is rather simple:

CEO—and other high-levelled employees or representative—are fitting into the political organization category. Another novelty is certainly the use of media. As technological evolution goes by, the various existing social media are taking more and more places. Media hence still have a role in the communication process but their velocity and accessibility are being strongly altered. They are now more commonly used as a medium, a mechanised channel, and not only as a third actor acting willingly. Obviously the old forms of media are still used as TV shows, TV news and journalism are still going strong, but they do not have the monopoly of the market right now.

On a new imaginary version of Figure 3, let us call it Figure 4, we can then imagine a new addition to the political organisations but also shorter links between the three items. As just explained, there is a popularisation of political information and everything moves faster. This also means that the bias introduced by media are sometimes reduced as the information is directly transmitted to the citizens. On the other hand, new bias' have come into light: the small number capacity of characters in a message on Twitter, the valorisation of images instead of text, the multiplication of "*too long; did not read*"—a message more than often used by internet users to express their dissatisfaction—and so on, all of these are incentive for shorter and quicker messages. The increasing speed of the online flow also influence communication as there is less and less time to think before posting. It is contradictory how media are at the same time getting more importance in the political feed but are also becoming more of a medium instead of a real actor. This is not the point of this thesis but was definitely worth mentioning.

To end this part of the chapter, let us just have a thought about the aforesaid new tendency of public getting all by itself information about politics and companies. This is also revealing on the weird current position of media, as the citizens are no longer waiting for someone to give them knowledge. Social media for instance are allowing people to have a brand new access to firms' messages which also leads to this democratisation of corporate and political messages.

## 2. PUBLIC POLICY CONTEXT

As the Executive Order 13769 and 13780 and the Refugee Ban were officially decisions proclaimed by the President Donald Trump, there is no doubt about the fact that they are presidential matters. It therefore matches the definitions given by Patrick Hassenteufel and Jean-Claude Thoenig, as we have seen beforehand. Those decisions taken by the State or its official representative—here, the President—aim the implementation of a lasting set of rules in response to an issue.

The three factors behind the creation of those orders are their foundations, their instruments and finally their audiences. Since they all are very similar, the answers are rather comparable as well. For the first one, the background behind this public policy, we need to take a further look to the context. The United States of America have entered a new age after the infamous terrorist attacks of September 11, 2001. With four planes hijacked, three successful crashes and thousands of victims, those events have shaken not only the country but the world. Those are now referred as the 9/11 events and are the starting point of a sad sequence of developments. Terrorism is thriving ever since and is the key word lying behind this policy. It is indeed mentioned at the beginning of the Order<sup>26</sup>, which begins with this first idea: “[...] *and to protect the American people from terrorist attacks by foreign nationals admitted to the United States*”. Then which goes on with the purpose of the policy:

“[...] Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitors, students, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.

In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. [...]”

We also saw earlier that Theodore Lowi (1972) and Hassenteufel (2011: 11) defined together six types of public policies. This categorisation is based on the distinction between the target aimed and the manner to achieve the pursued goal. In our case, it seems that the different orders are a part of a regulatory policy. As Hassenteufel wrote it in his book (Ibid: 11), this specific sort of program is a set of rules applying on citizens affected by a precise situation:

“L’action publique consiste ici à édicter des règles obligatoires qui s’appliquent à tout individu dans une situation donnée — autrement dit, l’État oblige ou interdit dans des circonstances spécifiées.”

A simply thought about the different bans is enough to verify the truthfulness of this answer. Regarding to the set of rules, the constraint is rather clear: they forbid some individuals to enter the United States of America—with some adjustments like possession of a visa, a green card,

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<sup>26</sup> Appendix 5.

or the presence of some family within the country, and so on. Anyways, it is a prohibition for a category of person. This group—the target—is also changing depending on the version of the ban. For the version 1.0 of the Muslim Ban, citizens from seven countries are affected, then for the 2.0 it is six nations, etc. Even for the refugee ban, only refugees from eleven countries are pointed. In all cases, we are talking about a clearly defined community.

A last point is worth mentioning: concerning the policy network settled here, some changes are noticing as time is passing. At first, the President seemed to work alone—and by saying this we mean that only the State was involved in the decision, as there were undoubtedly other decision makers than the President—but for the following version of the bans, the opinion from private organisations was asked. What seemed to be a real thigh network as therefore evolved into something more complex and more widespread.

### 3. ACTIVITY OF A POLITICAL AGENT

#### 3.1. CHARACTERISTICS

So now that we have established that CEO are political actors with the definition from Bryan McNair, we can go a little further on how they can act. The first element we can analyse is their resources. In order to be a little clearer, we will check and describe the existence of every type described by Sharpf (1997, 45) and as said in our theoretical background.

|                             |                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Positional resources</b> | The position occupied by CEOs into the political process is not really powerful. For now, some CEOs are still part of business advisory councils, which gives them a voice but it is nothing much than an advisory role. Therefore, we can say that they <i>do</i> have a position into the political process, but it is concretely rather useless.         |
| <b>Material resources</b>   | Those resources are the most common ones. As they are the heads of huge companies, we can guess that a majority of those CEOs have a wide range of material assets. They have money, employees, technical progress, technologies, and so on. We cannot say that for every firm but the ones mentioned in this study do not suffer from a lack of resources. |
| <b>Knowledge resources</b>  | Once again, we cannot think of any information that a company would not be able to obtain. With their material resources—in                                                                                                                                                                                                                                 |

|                            |                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                            | particular human (employees, research, scientists, ...) and financial resources —, temporal resources, etc., we can suppose that they have the capacity to obtain, understand and process almost every knowledge they want.                                                                                                                                                         |
| <b>Political resources</b> | This particular category is rather difficult to assess. Indeed, CEOs are only legally and democratically legitimate when they register themselves in a legal movement such as in the case of the Amicus Brief but they also have some legitimacy through their celebrity, their power of influence on the public opinion, and so on.                                                |
| <b>Social resources</b>    | As mentioned right before, the corporations have gained power through their social resources: they are well-known, they have an exclusive network going on and they not only have customers and consumers but also genuine followers. Being in the good grace of media and public opinion is one of their priorities because of the brand reputation and obvious marketing reasons. |
| <b>Temporal resources</b>  | This one is as well tough to measure since all we can notice is the effective time an enterprise or a CEO can spend on a political issue or the time he has spent in the political landscape but there is no numerical scale to express the impact it has powerfully speaking.                                                                                                      |

The data in this table shows that the possible resources of a company or a CEO are far from exclusive and are even interdependent. This confirms what we have seen in the theoretical part of this thesis. This also endorses the fact that a complementary study is needed to truly understand the ins and outs of a political agent resources.

The other two points we need to cover are the representation system to which they adhere and the interest that lies behind their actions. Since we can not really go deeper into this subject, let us just mention that the main ideology behind their protestation is a universal value: human rights. This is certainly why the subject has made people react so much. When the President Donald Trump has denied a right as primary as the liberty to enter the United States of America

to people that had actually done nothing wrong, public opinion went crazy. Furthermore, if the terrorism is one of the current most discussed topics, racism is none less of a crucial matter. So it is a fundamental right that lies behind this CEO activism, at least officially. In addition, there is also a fear of losing employees that are good for the company—as racial diversity is often bringing good elements to it—and maybe one or two other marketing-oriented reasons.

Regarding to their main interest—or, in other words, the goal they pursue, this join what we just explained: it is difficult to analyse right now but we can still try to answer. As Hassenteufel (2011: 129) referenced it, there are three potential motivations behind an actor: material interests, power interests and interests linked to their identity. They are often mixed and this time is no exception. We just said it, CEO are here defending a universal value, a fundamental right, but also their own interests since the bans could indirectly interfere with their businesses. This is why companies and their leaders can be considered as a conviction group, since they protect inclusive interests and since Hassenteufel (2011: 190) has made this distinction. They are not a categorical or territorial group, they defend all people who are affected by the issue and anyone sharing their value can join.

### 3.2. ACTIONS

We have seen with Patrick Hassenteufel and his book “Sociologie Politique: l’action publique” (2011: 196) that several categories of actions are available for companies if they are willing to make things move. In order to a better understanding of the strategies adopted against the Muslim Ban and its following version, we will make a quick review of various acts operated by technology firms and their leaders. This list is obviously not exhaustive as we do not have an open access to all the data and all official or internal discussions, but it will nonetheless be enough to get a glimpse of the situation.

|                                                                                                                                                                                   |                                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Manifestations</b>—Direct <i>and</i> indirect ways to act against a particular decision or a wider ideology. Often mediatised and organised without a lot of resources.</p> | <p>Different manifestations were organised, by employees and citizens, at airports and in front of companies. Authorised by the firms—notably Google—, some leaders even made an apparition to support it.</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Even though we have no access to official numbers and reports about those protests, some clues disseminated in the media have informed us of the extent of the facts. The fact is that people

have gathered to protest against the ban—there is no question about it—but that some of them made it with their enterprise approval, right in front of the firm buildings. These were the fastest reactions, but they were also the most uncoordinated as they spread without any form of the frame. Some CEOs made an apparition, as Sergey Brin for instance, Google's co-founder and child of immigrants who joined an airport protest. He refused to make any *statement* at that time, about his presence there but quickly said—according to several newspapers—that he was attending the event “*in a personal capacity*”. His participation was mostly relayed by other protestants, such as Sina Vaziri (@sinavaziri) a Twitter user who reported it to Kara Swisher:

“@karaswisher look who joined the protest at SFO”<sup>27</sup>

It is, however, questionable how someone having the eyes of public opinion on him could attempt this kind of event without creating an association of ideas in the citizens’ mind. Since Google was one of the most active companies during this wave of reactions, this is not a problem but it still raised the point: might CEO activism be avoided? This is not especially the point here, but it was worth mentioning.

|                                                                                                            |                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Symbolic Actions</b> —Indirect way of protesting against a policy. Does not require a lot of resources. | Several symbolic actions took places. Google homepage paid tribute to a human right and immigrant activist, a fund was created to finance foundations helping refugees, etc. |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

As we just said, Google is one of the most active and innovative companies when it comes to taking actions. Full of resources and ideas, they therefore also have the largest range of symbolic deeds. The more spectacular and above all the most public friendly one was without a doubt the transformation of their homepage on the 30<sup>th</sup> of January. Three days after the implementation of the Ban, they paid a tribute to Fred Korematsu for his 98<sup>th</sup> birthday<sup>28</sup>. Called a “Google Doodle”, this animation invading the homepage of billions of users was drawn by Sophie Diao, an artist also child of immigrants and was featuring this civil right activist, his Presidential Medal of Freedom and a famous quote of its own:

“If you have the feeling that something is wrong, don’t be afraid to speak up.”

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<sup>27</sup> Appendix 33

<sup>28</sup> Appendix 17

This “Doodle” was an incredible reference to the Muslim Ban. Highlighting a person like Korematsu was really clever and everything on this page—and the page of explanations coming with—was a not-so-subtle message against racism. This was also a perfect way to reach a large number of people and raise awareness as all the users of the research engine must have gone through this page.

Another example could be the fundraising Google have talked about. As mentioned in various news<sup>29</sup>, Google has pledged 2 million dollars to add to the 2 million donations from its employees. This money will be given to different associations: the American Civil Liberties Union (ACLU), Immigrant Legal Resource Center (ILRC), International Rescue Committee (IRC) and the United Nations Refugee Agency (UNHR). According to USA Today: “*It is Google’s largest crisis campaign ever.*”<sup>30</sup> This gesture might not seem symbolic at first sight, and it is not *only*, but it is an indirect way of protest and is intended to finance other actions although also to gain the public opinion by showing the corporation’s investment. In a certain way, this is way more fitting than other actions. In the same spirit, Steve Kaufer, CEO at TripAdvisor, ended his public statement by those promises:

“As you may be aware, TripAdvisor has already committed \$5 million over the next three years to aid the global refugee crisis. We are currently supporting the International Rescue Committee (IRC) and Mercy Corps and other NGOs focused on the crisis. TripAdvisor’s efforts to support refugee resettlement around the world, and in the United States, will continue. Our support of the IRC and Mercy Corps and other NGOs supporting refugee resettlement globally will continue. And we will continue as a company to work to resolve the refugee crisis with international and domestic partners that share our values and beliefs.”<sup>31</sup>

|                                                                                                                       |                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Public stands</b>—Indirect action to influence the decisional process. Extremely easy and is really common.</p> | <p>This is the most used way of action from our case. CEOs have taken public stands in various ways, from appearing in a protest to send a memo to his employees or writing a Facebook or Twitter post.</p> |
|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

<sup>29</sup> Information retrieved from <https://www.independent.co.uk/news/business/news/google-muslim-ban-crisis-fund-4-million-fight-immigration-policy-aclu-un-refugee-agency-irc-a7552906.html>

<sup>30</sup> Information retrieved from <https://eu.usatoday.com/story/tech/2017/01/29/exclusive-google-creates-4-million-crisis-fund-immigration-cause/97231876/>

<sup>31</sup> Appendix 27.

This one is maybe the most popular category of actions, amongst CEOs but also amongst spectators who love to see celebrities getting personally involved. Some of the leaders used storytelling as a means to obtain public opinion, and some of them just post a brief message on social media. There is also a distinction between the one who have taken a strong position against the ban or even against Trump while some—such as Mark Zuckerberg—were being more cautious. In a publication on his own social media Facebook, the founder wrote:

“My great grandparents came from Germany, Austria and Poland. Priscilla’s parents were refugees from China and Vietnam. The United States is a nation of immigrants, and we should be proud of that. Like many of you, I’m concerned about the impact of the recent executive orders signed by President Trump.”<sup>32</sup>

This technique of using storytelling to mix a business concern with private confession has been really discussed. Citizens have not understood why and how the leader could have been so affected by the Ban and at the same time be so quiet about it. The rest of his message was positive but also really compliant and the viewers were not happy with it. Actually, they were happy with the substance of the message, the implication of Zuckerberg, but were deceived by this weak position. He was maybe a bit too careful to really be believable, even if his message was putting America, its values and its citizens first:

“We need to keep this country safe, but we should do that by focusing on people who actually pose a threat. [...] We should also keep our doors open to refugees and those who need help. That’s who we are.”<sup>33</sup>

On the other hand, some managers have taken stronger position without shaking. The two extracts hereunder are from an internal message sent from Apple to employees and from an open statement from the head of TripAdvisor. They used words and expressions like “*It is not a policy we support*” or “*heartless*”, “*worst [...] crisis*”, “*we are against*”, etc., which is already more engaged than what we’ve seen before. Without insulting the President Donald Trump—that would be a corporate suicide—they made clear that they were not supportive of their despised government.

“I’ve heard from many of you who are deeply concerned about the executive order issued yesterday restricting immigration from seven Muslim-majority countries. I share your concerns. It is not a policy we support.” (Tim Cook, as Apple’s CEO)<sup>34</sup>

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<sup>32</sup> Appendix 12.

<sup>33</sup> Ibid.

<sup>34</sup> Appendix 10.

“President Trump’s executive order to suspend the resettlement of Syrian refugees and temporarily ban citizens from seven Muslim countries from entering our country is not only heartless and discriminatory, but also against the principles that make our country great.

We are experiencing the worst global humanitarian crises of our time, and we are against this executive order not just because we are a global business with a diverse workforce, but because we are human beings and citizens who respect and love the fabric of our nation.”<sup>35</sup>

Last but not least, those two reactions are worth getting our attention. Those are two Twitter publications—one short and one thread—respectively posted by Twitter itself and Foursquare’s account:

“Twitter is built by immigrants of all religions. We stand for and with them, always.” (@Twitter, 29 January 2017)<sup>36</sup>

“We @Foursquare oppose the executive order on immigration. It’s against American openness to people seeking a better, safer of freer life. Diversity has built the greatest engine of progress and invention in the history of the world: the American economy. At their core, our company, products, community and country are rooted in diversity & inclusion. Foursquare is made by & for people from all over the world, w/communities in nearly every country. We will stay true to those principles.” (@Foursquare, 30 January 2017)<sup>37</sup>

What is truly impressive here is that this is the official account of the companies that have been used. We do not even talk about CEO activism anymore but about corporate activism, where the firm cannot be dissociated from the message broadcast. Those scenarios are scarcer but are maybe a hint on the next evolution of political communication. We also say that those public stands are rather defining a stronger position against Trump—on the opposite of the message from Mark Zuckerberg for instance—and it could be really interesting to learn more about the reasons for this. A supposition could be that the sort of anonymity gave the people who wrote the message—and those who took the responsibility of it—to be braver. It has been proven in psychology that it could happen: when they are not held responsible for their actions, people tend to be less inhibited.

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<sup>35</sup> Appendix 27.

<sup>36</sup> Appendix 24.

<sup>37</sup> Appendix 30.

|                                                                                                                         |                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>Legal Action</b> —Direct way to oppose something by using a legal path. More common in the United States of America. | Various actions were settled: creation of lawyers and HR cells to help employees, filling of an Amicus Brief, etc. |
|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|

The first reflex of companies being concerned about their employees was to find a way to help them. In order to do that, the biggest technology leaders established help centres to provide legal advice to people affected by the ban. As declared in several statements, CEOs have advised their employees to seek help if needed. We do not know if those centres have been useful as there is certainly little you can do against a President, but it was still an excellent move. People felt desperate and helpless when the order was published, they were afraid. Being there for them and offering them solution—even the smallest—definitely was a smart idea: behind the kindness, it was also a good way to get public opinion’s approval.

However, the greatest gesture from this case is without a doubt the filling of an Amicus Brief<sup>38</sup> by several companies. On the 5<sup>th</sup> of February, leaders gathered in order to stand up in a trial opposing the State of Washington to the President Donald Trump. They were 97 at first, but were eventually more than 160! The list of participants is long but here are some of the best-known names: Airbnb, Inc., Apple Inc., Dropbox, Inc., eBay Inc. Etsy Inc., Facebook, Inc., Google Inc., GoPro, Inc., Intel Corporation, Kickstarter, PBC, LinkedIn Corporation, Microsoft Corporation, Mozilla Corporation, Netflix, Inc., PayPal Holdings, Inc., Pinterest, Inc., Twitter Inc., Uber Technologies, Inc., Wikimedia Foundation, Inc., etc. All of them enrolled to raise a common voice against the Muslim Ban.

An Amicus Brief is a brief of declaration as “Amici Curiae” which means literally “friend-of-the-court”. This was explained by Kearney and Merrill (2000) when they talked about a massive shift in Supreme Court practice occurring with this apparition of non-parties taking part in the trial process. They noticed the growing tendency to use this type of method and then they explained the role of this type of brief (Kearney and Merrill: 2000):

“Amicus briefs, it is said, can provide valuable assistance to the Court in its deliberations. For example, they can present an argument or cite authorities not found in the briefs of the parties, and these materials can occasionally play a critical role in the Court’s rationale for a decision. Alternatively, these briefs can provide important technical or background information which the parties have not supplied.”

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<sup>38</sup> Appendix 34.

In our case, the amici are defined in the “Motion for leave to file briefs of technology companies and other businesses as amicus curiae in support of appellees” as “*leading technology companies and leading businesses from other sectors of the U.S. economy*”<sup>39</sup>. Even if there are indeed firms from other sectors, they are a minority as the brief was mainly wanted by the technology area. Later in the document, in the corpus of the brief, they justified their action by explaining why the Order was, in their sense, an aberration. First in a more general way, as it changed the immigration system as people knew it until then. Next, in a personal view, as the ban had a high risk of impacting their businesses:

“The Order effects a sudden shift in the rules governing entry into the United States, and is inflicting substantial harm on U.S. companies. It hinders the ability of American companies to attract great talent; increases costs imposed on business; makes it more difficult for American firms to compete in the international market— place; and gives global enterprises a new, significant incentive to build operations—and hire new employees—outside the United States.

The Order violates the immigration laws and the Constitution. In 1965, Congress prohibited discrimination on the basis of national origin precisely so that the Nation could not shut its doors to immigrants based on where they come from. Moreover, any discretion under the immigration laws must be exercised reasonably, and subject to meaningful constraints.”<sup>40</sup>

It is therefore rather more violent against the administration Trump and the Muslim Ban. This time we can imagine that the number of signatories helped the smaller businesses or the less adventurous ones to feel confident and join the movement. This procedure was not to be taken lightly. Indeed, even if this approach is legalised and fully justified, it still amounts to running in favour of an opponent of the President. Let alone that this amicus brief has no power of coercion. Participants can only offer another point of view to the Court but it is to the Court to decide whether or not it wants to follow the advice. Companies therefore had to ask themselves whether a simple advisory power justified officially positioning themselves as an opponent of the State and Trump.

Apparently they did, and this is finally more than 160 companies that joined the fight.

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<sup>39</sup> Appendix 34.

<sup>40</sup> Ibid.

## Chapter 5 – Discussion

### 1. DISCUSSION

Spreading such messages on the Internet or in public is not an easy decision, we have seen it. It seems though that companies' CEOs and leaders have made their choice. They are now communicating with all means that come into their hands and a majority of the citizens look to be happy with it. Furthermore, it is not the content of the messages that interests the viewers but the position that lies behind them. The stronger the position is, the better the public opinion might possibly react. So if the first trap is not to react to an issue—or not to react quickly enough—the second is to react without enough conviction. We can see that CEOs are afraid and are still acting cautiously. It was for instance crystal clear in the Facebook publication of Mark Zuckerberg. However, it may be worth it when you see the positive outcomes that could come out of it. Chatterji and Toffer (2016: 14) emphasised it as well:

“This finding implies that when CEOs take public stands on controversial issues, they can galvanize support for their company from those who share the same viewpoint. In this manner, CEO activism's primary effect is through signaling which side of a public debate CEOs and, by implication, their companies are on.”

One thing we can now extrapolate—thanks to this analysis—is that leaders will have more and more confidence through the years. It is maybe one of the only perks of having an out-of-control President such as Donald Trump: he coerces people around him to get out of their comfort zone. And as the well-known—and so “Instagram-able”—sentence said: *“A comfort zone is a beautiful place but nothing ever grows there.”* We can imagine that with time people will get into the habit of positioning themselves with or against the government. Besides, the President Trump still has one year and a half in the White House and that let us time to notice more changes. The rising of CEO activism is not yet about to end.

Something we have not discussed yet are the results of this activism. By the time we have written those pages, the situation has become more peaceful. Far from a victory, CEOs are staying still while the Muslim Ban 3.0 and the Refugee Ban are officially in action. This unexpected turnaround raises the question of the interests pursued by companies. Were they only looking for glory and media coverage? Or did they give up because it was an impossible fight? As aforementioned, McNair (2011: 5) has defined political actors as:

“those individuals who aspire, through organizational and institutional means, to influence the decision-making process”.

Which is rather revealing. CEOs wanted to influence the political discussion and they failed. Are they still a political actor? Do they really believe they could have changed the outcome of this issue? This is also linked to the other interest they could have: notoriety, media coverage, support of the customers, etc. Nevertheless, the course of events here shows us that they *could* have influenced Trump's decision. Another President might have changed his mind after such a backlash. Chatterji and Toffel (2016: abstract) have also come to the same conclusion:

“Our results confirm the influence of issue framing on public opinion and suggest that CEOs can sway public opinion, and potentially to the same extent as prominent politicians.”

## 2. HYPOTHESES

Concerning the two hypotheses we have suggested at the beginning of this thesis, we can now try to validate them—or not. It was a real difficulty to limit the issue to only two assumptions but as we do not have the time or the resources to go further, it was for the best. These two allow us to understand different aspects of the issue.

*H1: Technology companies' leaders are acting against the Muslim Ban in accordance with the different theories on political actors' possibilities*

As far as we know, we have seen during this study that all the action accomplished by CEOs and leaders were coherent with the behavior predicted by the theory. We just said it, they match the definition of political agent by being individuals who are trying to influence the political process. They also have defined interests, resources and ideology and they defend universal values. All things considered, they meet all the criteria and are even a really good example of the interdependency of interests and resources.

We could have tried to find examples for each category mentioned in the theoretical background, but the ones we have used here are still revealing. People may claim to be original and not follow the norm, and be different and so on, but at the end they are still more than often predictable.

This first hypothesis is therefore confirmed: CEOs from technology companies are acting according to what is expected from a political actor.

*H2: Their actions are taking place at the beginning of the decision-making process, during the agenda setting of the subject*

The second hypothesis about our study case was also one of our first questions and overalls was to understand this: when were the CEOs taking place in the decision-making process timeline? Our assumption was that they were standing out during the agenda-setting procedures. In order to influence a public policy, it would be the best solution: intercede before any decision is made and before things go further.

However, this is not what happened here. The timeline is clear: the investiture of the 45<sup>th</sup> President of the United States of America took place, then one week after that, this man was banishing the citizens from seven countries to enter the territory. Between the two events, there is no record of debates on the subject. Nothing coming from the CEOs and nothing—at least nothing official or worth paying attention at—from the President. The outbreak of reactions only happened during the implementation of the Executive Order, when nothing was left to be done except protesting and complaining. So why did they wait? Why did they not try to influence the discussion earlier? To talk the President out of this idea? Maybe because there was no open debate. Donald Trump has talked about the immigration and its strengthening before his investiture but at that time it was not important. Last we know, he also promised the construction of a wall, and no one believed him because it was unlikely.

In this specific case, we can therefore conclude that even if President Trump has talked about his willingness to strengthen immigration laws, CEOs have made no move until the first Executive Order was published. This means they are effectively taking place after the agenda-setting and the decision, they are only protesting and filing brief now that the implementation is happening. A possible explanation could be that they reacted as soon as they realised the severity of the issue. The President being rather unpredictable, it was unlikely that they would be able to intervene before then. A good further research might be to investigate a case where the public policy would be discussed publicly before its implementation, to know if CEOs would react.

In conclusion, this hypothesis is invalidated. As opposed to what we imagined, CEOs might not have chosen their moment of reaction but instead have compounded with what was happening, which left them powerless in terms of direct influence. Protestation was all there was left.

### 3. LIMITS AND FURTHER RESEARCHES

As we progressed, we noticed that there were many limitations to our research. In order to be completely transparent and to facilitate eventual following work, we should take a look to those limits and see how to overcome them. We previously mentioned a few issues and ideas but we will here focus on four major problems. They all are more or less interlinked but most of all, they are the biggest issue we have met working on this subject.

- First limitation: the problem here is that considering the lack of time, of resources, and all the other small restrictions, we could not apprehend the subject in its entirety. What could have we possibly found out about the companies' non-political motivations? What if this activism was more of a marketing or financial decision for instance? A more marketing or strategy oriented analysis would have been really interesting to add to this study. Following the idea that enterprises have far much more in mind than just politics, we could have gone further. In a case like ours, their gains in reputation, recognition and followers are probably not negligible. This is an aspect that is not at all taken into consideration here, as it is difficult to evaluate and would rather require another whole additional study. International values, human rights and benefits of racial diversity are maybe a smokescreen for something bigger, it would have been worth digging a little deeper.
- Second limitation: the means at our disposal to operate this research were really limited. It is truly difficult to access some of the data. Some CEOs do not want to release their numbers or their strategies. A large majority of newspapers are not allowing the consultation of their information—unless you have a subscription, unless you are in the right country, etc. And as we have talked about, media do come with a bias so you do not really know if you can trust what people say. Some magazines were saying, “*this CEO told us that...*” but without any proof it is hard to believe. In addition to the proliferation of data, on several social media, on a long period of time, and so on, this explains why we have rather focus on some tangible information. Our sample of documents might be small but it is as reliable as possible.
- Third limitation: by focusing on technology companies, or mostly on the biggest and best-known ones, we are maybe missing a point. Tim Cook, Mark Zuckerberg and the others are—as we said—already some types of celebrities, with their followers and customers sharing their ideas. We have therefore no idea of what this kind of

problematic looks like to a small or medium-sized company. Firms in the Silicon Valley are numerous and we could not have talked about every one of them, but we still need to assess that this study is only relevant when talking about the big enterprises. At this point, we still do not know to what extent fame can be an adjuvant or an opponent of CEO activism.

- Fourth limitation: working on a cold case, a never-ending story, is always difficult. The case of the Muslim Ban is not closed since there could still be some twists and President Trump still has one year and a half to go but at the same time, the subject has been submerged by a whole bunch of other issues. Newspapers and online media are now quiet about this, and even the companies look like they have given up the fight. On the other hand, two years is both a long and a short period of time: it is too soon to get enough perspective or to really estimate the impact of the ban on firms but it is also too late because some proofs are vanishing and people are giving up. We are currently stuck between two tendencies, and maybe it would be better to take the stand to wait.

## Conclusion

“Governing necessarily involves constant exchanges of information and communication about policies, ideas and decisions between governors and the governed.” (Canel and Sanders: 2013)

As we have started this thesis with a quote, it seems appropriate to end it the same way. This time, we can even envisage this as an answer to the words of James Abram Garfield. He was thinking that no President can possibly understand what his citizens want? Then let us offer democratic discussion. Let us introduce this exchange of ideas. It is only when the flow of information is adequate that the situation can evolve into something more positive. Canel and Sanders (2013) were clear in their introduction chapter: governing *necessarily* involves those exchanges. Therefore, and considering that CEOs are opening the conversation when they take a stand, it can only be a good thing. By raising awareness amongst their followers and customers, companies are spreading out the potential target of political communication. This new role might be risky, but it is still critically important for our society. Enterprises, CEOs and other leaders could become more than just a political actor, they could become real guardians of the democracy. We extrapolate a lot right now but it might be really interesting to see how the situation will evolve in a few months, or a few years. The consequences for both the business and the political world could push the evolution of the communication system way further than what we talked at the beginning of this study.

This thesis aimed to verify the accuracy of two hypotheses but also to answer some questions. Was CEO activism a relevant concept in terms of political communication? Were firm leaders real and useful political actors? What was the timeline followed by those actors? Where the former theories still relevant? So many questions that are typically difficult to answer. We have already talked about the limitations of this study but this is an important point. By writing those pages, we have seen that this subject is extremely wider than expected and that a series of new questions keep appearing with the time.

In retrospect, there are several points that I would have love to do differently. When you look back at your work, it is always the same scheme: you have a better view of the subject and you see all the small imperfections. I would have gone further. I would have added precision in my method: choosing a social media instead of using them all, defining a target instead of just

getting information from all the technology companies affected, and so on. But in overall, those pages were still helpful.

As we said earlier, the expansion of social media is still ongoing. The shape of political communication is also evolving. We can therefore imagine that new ways of communicating will appear promptly. And when CEOs will have more possibilities to publicly take a stand, what are they going to do? For now, Twitter is the most commonly used by companies' leaders. It is not a surprise considering that most of them owns firms like those. The question was asked before but what would be the credibility of the owner of Twitter if he was mainly using another website to communicate? Anyways, the point is that the evolution of social media will certainly bring us new elements of political communication. CEOs will take more and more place in this process and they will eventually have more success. Public policies affecting universal issues such as immigration, ecology, sexual orientations and so on, are probably going to be discussed on a more public scene. There are few ways we could be deceived of the outcomes of this evolution.

The point is, further researches are going to turn out really interesting.

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