The ethico-politics of whistleblowing:
Mediated truth-telling in digital cultures

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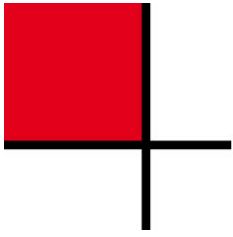
theory
ephemera encourages contributions that explicitly engage with theoretical and conceptual understandings of organizational issues, organizational processes and organizational life. This does not preclude empirical studies or commentaries on contemporary issues, but such contributions consider how theory and practice intersect in these cases. We especially publish articles that apply or develop theoretical insights that are not part of the established canon of organization studies. *ephemera* counters the current hegemonization of social theory and operates at the borders of organization studies in that it continuously seeks to question what organization studies is and what it can become.

politics
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organization
Articles published in *ephemera* are concerned with theoretical and political aspects of organizations, organization and organizing. We refrain from imposing a narrow definition of organization, which would unnecessarily halt debate. Eager to avoid the charge of 'anything goes' however, we do invite our authors to state how their contributions connect to questions of organization and organizing, both theoretical and practical.

The ethico-politics of whistleblowing: mediated truth-telling in digital cultures

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The ethico-politics of whistleblowing: Mediated truth-telling in digital cultures

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Introduction

As addressed in previous issues of *ephemera*, in contemporary political economy, the conjunction of openness and closure, visibility and invisibility, and transparency and secrecy of information is precarious (e.g. Bachmann et al., 2017; Curtis and Weir, 2016). Information and 'truth' have been turned into objects of contention, and it is increasingly contested what is considered sound information and truth, who has access to which type of information, and who is in the position to shape and control information and promote truth(s) (Munro, 2017). The struggles and complexities of negotiating information, truth and the 'politics of truth' (Foucault, 2007) are also accompanied by the fact that, in a society in which mass communication and media gain in importance, organisations have become 'leaky containers' (Lyon, 2002). This is evidenced in an exemplary way by the NSA affair and Edward Snowden's revelations of mass surveillance, the WikiLeaks-disclosures, commonly associated with the names of Chelsea Manning and Julian Assange, and, more recently, the Panama Papers leak, often associated with the name of Caruana Galizia[1] and the *International Consortium Investigative Journalists*.

In the context of leaking information and 'disclosing truth', the figure of the whistleblower, who 'speaks out about illegal or unethical behaviour within his or her organization' (Alford, 1999: 266), adopts a specific, discursively constructed position that is rife with ambivalence (Kenny, 2019; Perry, 1998). In public

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1   Caruana Galizia has been a Maltese investigative journalist and anti-corruption activist who has regularly reported on political events. She was murdered nearby her home in 2017 (The Greens/European Free Alliance, 2018).

debates, whistleblowers are on the one hand portrayed as 'heroes' and role models that speak up against ethically problematic or corrupt organisational or institutional systems (Near and Miceli, 1985), with the aim to point to or prevent 'public harm' (Andrade, 2015: 328; see also Breit et al., 2015). In such ideal-typical representations, it is assumed that whistleblowers take into account and accept the variegated personal costs accompanying acts of 'telling the truth' – for the 'common good' including, e.g., transparency, openness and, above all, the protection of democracy. On the other hand, however, whistleblowers are presented as dubious figures and 'traitors' who threaten the moral integrity of organisational or institutional systems by violating extant codes of conduct. By refusing devotion, compliance and loyalty to the employer, or by disclosing 'secret' or sensitive ('classified') information, they appear as dangerous 'troublemakers' (Grant, 2002, Weiskopf and Tobias-Miersch, 2016; see also Sampson, this issue). Irrespective of the positioning and evaluation of whistleblowers and their acts of 'truth-telling' (Foucault, 2001), we notice that whistleblowers and whistleblowing attract increasing attention both in public debate and research (Lewis et al., 2014).

Looking at existing research on whistleblowing in fields such as organisational studies, business ethics and law, we notice that research into this area is often rather positivist and prescriptive. It examines, for instance, the likelihood of whistleblowing to occur and related implications (Bjørkelo et al., 2010; Miceli, 2004; Miceli et al., 2008); or it assesses whistleblowing in relation to the question whether predefined legal and organisational rules or ethical codes have been followed (Bowie, 1982; Hoffman and Schwartz, 2015). The creation of typologies of whistleblowing and whistleblowing policies is also common (Loyens, 2013), as is the oftentimes empirical-quantitative analysis of those factors and variables that affect the intentions and practices of whistleblowing (Dozier and Miceli, 1985; King and Hermodson, 2000; Near and Miceli, 1996). Overall, such studies often seek to predict or prescribe 'how to blow the whistle' in different institutional and organisational contexts. Other whistleblowing studies have focused more specifically on exploring the identity of whistleblowers, including the personal motivations, rationales and impacts that whistleblowers experience and suffer, both within and outside of organisations (Alford, 2001; Ciulla et al., 2007; Trevino and Nelson, 2014). Such studies are valuable in that they enhance and enrich insights into whistleblowing as a personal experience; yet where the focus is exclusively upon micro-level, individualistic accounts and issues, such as beliefs and motivations, there is a tendency to overlook the wider political struggles, the cultural and institutional settings and the socio-material 'infrastructures' in which acts of speaking out occur and are shaped (Oleson, 2019).

Against this backdrop, this special issue of *ephemera* and the contributions to it seek to situate the experience of whistleblowing not in the realm of the individual whistleblower, but in the context of the wider political economy. As such, the experience of whistleblowing is considered to be shaped by discourses, such as security, anonymity, transparency and accountability, by institutional and organisational norms, including legal frameworks, organisational structures and procedures that regulate the speaking (out) of members and non-members of organisations, as well as by social identities and subject positions. In other words, whistleblowing is not seen as an individual 'autonomous' act (Alford, 2001), but as a social practice that emerges from and is informed by a specific 'normative matrix of behaviour'. It is a 'focal point of experience' in which 'forms of possible knowledge, normative frameworks of behaviour, and potential modes of existence for possible subjects are linked together' (Foucault, 2010: 3). In view of this, this special issue is particularly interested in the exploration of the specific conditions, possibilities, mediations and regulations of truth-telling (Lee and Heinrichs, this issue, Sampson, this issue). Furthermore, it seeks to address the still under-explored ethical and political dimensions and implications of practices of whistleblowing. According to the perspective adopted, the ethico-politics of whistleblowing cannot be reduced to rule- and code-based institutional and organisational regulations and prescriptions. On the contrary, the ethico-politics addresses the possibilities of questioning and problematising established practices and the 'moral-rules-in-use fashioned within the personal and structural constraints of one's organization' (Jackall, 2010: 5). By this means, it explores how individual and collective subjects reflect on their positions and ways of relating to self and others and (re)organise existing relations and practices.[2]

Some whistleblowing studies in the fields of organisational research, political science and sociology, STS and media studies have already examined contextual issues enabling, constraining and, generally, underpinning whistleblowing and acts of truth-telling (e.g. Di Salvo, 2016; Nayar, 2010; Olesen, 2019; Aghostino and Tyhlstrup, this issue). Among other things, they have analysed the nexus between whistleblowing, power and politics, thereby understanding whistleblowing as a political act or a form of resistance that aims at challenging established social, institutional or organisational practices and orders, in which whistleblowers are, like other political actors, embedded (Contu, 2014; Mansbach, 2007, 2009; Monk et al., 2015; Rothschild and Miethe, 1994). Referring to the work of Foucault (2001), whistleblowing has further been addressed and conceptualised as a modern form of *parrhesia*, the courageous and

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2   The idea for this special issue emerged from a workshop on 'Speaking truth to power? Theorising whistleblowing' that has been organised by Kate Kenny, Meghan Van Portfliet and the *ephemera* collective in Belfast in 2016.

risky act in which the speaker 'dares' to speak truth to power (Folkers, 2016). Like the *parrhesiastes*, the whistleblower speaks truth to power 'from below', and thereby takes a high risk of being excluded, ostracised, stigmatised (see Foxley, this issue), or otherwise punished in the process of doing so (Kenny et al., 2018; Vandekerckhove and Langenberg, 2012; Weiskopf and Willmott, 2013; Weiskopf and Tobias-Miersch, 2016). Especially recent research into parrhesia has explored it as a specific modality of truth telling that goes beyond the individual whistleblower or parrhesiastes and micro-political acts of resistance. Concepts such as 'parrhesiastic networked spaces' (Aghostino and Tyhlstrup, this issue) or 'networked parrhesia and truth-telling' (Munro, 2017) point to the multiple actors, practices and technologies that are involved in the social, discursive and digital mediation of whistleblowing (see also Chun and Friedland, 2015; Morais, this issue).

In the next section, we discuss the historical changes and contingency of whistleblowing and the mediation and regulation of practices of truth-telling. We will focus on the role of intermediary organisations, infrastructures and technology in digital cultures, which increasingly shape acts of 'speaking truth to power' (Nayar, 2010; Walters, 2014). We will then further elaborate on our understanding of the ethico-politics of whistleblowing and its mediation, before we introduce the different contributions to the special issue.

The regulation and mediation of truth-telling: Changes over time

Foucault (2001, 2011) has shown that the practice of truth-telling has a long history, in which it took many different forms in different contexts. While Foucault evoked the contingency of 'truth-telling' by demonstrating how it was problematised in different ways in Greek Antiquity, the term 'whistleblowing' is of much more recent origin. The US-consumer advocate, Ralph Nader is usually given credit for inventing the term in 1971. Nader presented whistleblowing – insiders in big organisations and bureaucracies going public with their knowledge of malpractices – as a form of resistance and democratic intervention, that is grounded 'in the right to information, (and) the citizen's right to participate in important decisions' (Nader, 1972: 7). Nader was particularly concerned about destructive potentials and the often live-threatening hush ups, for example, in the chemical industries, but also with 'powerful organizations' that 'penetrate deeper and deeper into the lives of people' (*ibid.*). In the specific US context of the early 1970s, to which Nader referred, it was not only the (life-threatening) power of big organisations, the decline of authority (Oleson, 2018), and the problematisation of the virtues of the 'organization man' (Whyte, 2002/1957), but also the overall negative image of whistleblowers as 'snitches',

'rats', 'traitors', and the relative lack of whistleblower regulation and protection that characterised the situation.

Since then, the situation has changed in many respects. Today – at least in Western democracies – whistleblowers are often celebrated and presented as positive figures. Cultural representations in popular movies (e.g. Steven Spielberg's *The Post*, 2018, or Larysa Kondracki's *The Whistleblower, 2011*), documentaries (like Laura Poitras' *Citizen Four*, 2014), awards and prizes testify this. At the same time, whistleblowing has become a highly regulated field. Vandekerckhove (2006) and Vandekerckhove and Langenberg (2012) have observed an increasing 'institutionalisation' of whistleblowing over the past 30 years. Accordingly, proliferating rules and regulations shape the speaking out of the whistleblower, both in legal terms and in terms of organisational whistleblowing policies (see also Brown et al., 2014; Vandekerckhove and Tsahuridu, 2010). On the other hand, in the context of contemporary 'surveillance capitalism' (Zuboff, 2019), Nader's concern with invasive organisations that 'penetrate' the lives of citizens has become even more pressing. Digital technologies are increasingly subsumed under economic imperatives and thereby intensify surveillance and control in all spheres of live. They permit organisations to 'know' employees, customers, voters and citizens – and (potential) whistleblowers and dissenters – in depth and detail. New surveillance practices based on information processing 'permit a new transparency in which not just citizens, but all of us, across the range of roles we play in everyday life, are constantly checked, monitored, tested, assessed, valued and judged' (Lyon, 2013: 12). Paradoxically, the emerging digital infrastructures that intensify surveillance also made leaking of large amounts of information much easier as, e.g., Snowden's leaks on NSA spying and mass surveillance (Lyon, 2014; Snowden, 2019) and Christopher Whylie's exposure of the manipulative and monetising use of Facebook profiles vividly illustrate (Cadwalladr, 2018; see also Curtis and Weir, 2016).

Because our contemporary societies are increasingly regulated and mediated with and by these digital infrastructures and their basis of networking information, we are facing new questions of how truth-telling, whistleblowing, or leaking of state secrets are entangled with media-technological conditions. In particular, this requires an understanding of the possibilities and limitations of truth-telling, associated with new communication technologies and digital infrastructures. While the 'mediated visibility' (Thompson, 2005) has attracted the attention of media scholars (Uldam, 2016) and critical scholars of transparency who have theorised digital technologies as 'mediating technologies' (Flyverbom, 2016) that influence and shape what becomes visible, for whom and in what form, the variation of 'speakability' has gained less attention from organisational scholars.

This being the case, let us look more closely at the role of digital transformation in truth-telling (see also Agosthino and Thylstrup, this issue; Morais, this issue; Nayar, 2010).

Obviously, the shift towards digital infrastructures is not purely technological (Bowker and Star, 2000). Digital infrastructures are also entangled with particular socio-material practices and affect people, organisations and processes of organizing alike (Berlant, 2016). They include some people and exclude others, and they afford some processes and forms of exchange, while making others less likely or effective. While some people, e.g., know how to encrypt their emails, or how to identify users of these apparently anonymous conversations, others speak neither any computing language nor English (Wiedemann, 2014). While some actors are considered to be legitimised to blow the whistle and are supported by their networks and infrastructures in the process of doing so, others lack this support and the legitimacy to 'speak truth to power' (Foucault, 2001). While some actors dare to speak the truth and know how to make themselves heard, other, less privileged actors, including e.g. persons of colour, women and, generally, members of non-white, non-elite minority groups, are often ignored, silenced or (self-)censored (Agosthino and Thylstrup, this issue; Fanchini, this issue; Liu, this issue). People have to *know* how to play the *game of truth*, which is based on 'a set of rules by which truth is produced' (Foucault, 1997: 297). As rules change, new players enter the game and the trumps are redistributed. It seems that certain whistleblowers know how to play the game of truth in an effective way, how to use prevailing rules and infrastructures, or how to change the game in a particular way. As discussed in the interview with Micah Lee (Lee and Heinrichs, this issue), computer engineering and especially computer security is increasingly important in this regard. The production and protection, and the distribution and dissemination of truth are mediated by technologies and dependent on the values that are 'folded' into the 'code' (Introna, 2007). In this context the term code refers to both its technical and cultural meaning. Following Wiedemann (2014: 19), 'code is the basic technological process, the set of rules and instructions that, for example, govern the permutations of all the 0s and 1s that lie behind user interfaces; yet code is also the cultural framework, which is directed and interpreted socially and performatively' (see also Berlant, 2016). Put differently, out of the reciprocal power relations of digital infrastructures and social practices emerges a 'socio-technical coding', which constitutes a central basis for the 'game of truth' in digital cultures.

In addition, the speaking out of the whistleblower is shaped by interactions and collaborations with journalists, media organisations and their rules of production, as well as new media in general. Consider Snowden's exposures of

the surveillance practices and inner workings of the NSA as a paradigmatic example (Lyon, 2014): Snowden's speaking out – and in fact, Snowden as a public figure – is difficult to imagine without the collaborations with the journalist Glenn Greenwald, the filmmaker Laura Poitras, media organisations like *The Guardian*, as well as digital technologies and infrastructures that have enabled (encrypted) communication (see e.g. Greenwald, 2014; see also Lee and Heinrichs, this issue).

Whistleblowing is, moreover, not only mediated by institutional and organisational infrastructures, (non)governmental policies and discourses, but also by 'intermediary organisations' that mobilise, amplify and channel the truth-telling of whistleblowers, often in the name of transparency, democracy and justice. We can think here of classical whistleblower protection and support organisations like the *Government Accountability Project (GAP)*, which was created in 1977 in Washington with the aim 'to help whistleblowers who – through their individual acts of conscience – serve the public interest' (Devine, 1997: 159), or of organisations like *Transparency International (TI)*, the *International Consortium of Investigative Journalists (ICIJ)*, or *WikiLeaks. TI* sees the 'speaking up' of the whistleblower as one of the most important tools for 'shining light on corruption or other malpractice' (TI, 2015: 14). So-called *Advocacy and Legal Advice Centers (ALACs)*, further, provide an infrastructure for truth-telling and support concerned citizens with (legal) advice and effective tools to speak out and reveal misuse of power. The *ICIJ*, a global network of 249 Journalists in more than 90 countries, coordinates investigative journalists from around the world and encourages 'whistleblowers to securely submit all forms of content that might be of public concern' (ICIJ, 2019) through secure online channels. WikiLeaks, furthermore, has established itself as an online platform for leaking classified information and documents, provided by insiders of corporations and governments (Brevini, 2017). Most importantly, WikiLeaks seeks to provide an infrastructure of disclosure, which allows geographically dispersed individuals to leak critical information in a save and anonymous way. As such, it can be understood as an instance of 'networked parrhesia' (Munro, 2017). Based on hacktivist principles and an 'anarchist macropolitical agenda' (*ibid.*: 519), it seeks to delegitimise established institutions and create a space for dissent and transformation.

All the above-mentioned actors, components and elements (re)shape the space for whistleblowers and truth telling in various ways. We argue that this socio-technically mediated space is also an *ethico-political* space, in which institutional and organisational practices, discourses and truths are (re-)negotiated, reflected and potentially transformed (Weiskopf and Tobias-Miersch, 2016). Acts of whistleblowing are, in our understanding, embedded and situated in complex

relations of power, which shape whistleblowers as political actors as well as subjects of ethics and morality (Foucault, 2001). Given the special issue's interest in gaining a better understanding of the political and ethical dimensions and questions that are implicated in mediated practices of whistleblowing, we will now further elaborate on the ethico-politics of truth-telling.

The ethico-politics of truth-telling and whistleblowing

In his historical investigations, Foucault noticed that, as a mode of truth-telling, the term parrhesia was 'first of all and fundamentally a political notion' (2010: 8). It referred to speaking truth in public, in front of the assembly. Later, from Socrates to the Cynics, parrhesia increasingly played an important role in the context of ethics and ethical self-formation (Catlaw et al., 2014; Luxon, 2008). Political and ethical parrhesia differ in many respects, but what they share is the 'parrhesiastic function' of disrupting and opening up established (organisational) practices, rather than reproducing them. In the political context, the parrhesiastic function is to 'introduce the difference of a truth-telling into the debate' (Gros, 2010: 382), and to produce a *dissensus* that is a condition of possibility for the 'democratic game' to be played. In the sphere of ethics, the parrhesiastic function is to allow for reflection on habitualised practices and modes of life; constituting in this way the basis for ethical self-formation and transformation. In this sense, parrhesia is an ethico-political practice that opens up possibilities of new ways of relating to the self and others (*the ethical dimension*), and new ways of negotiating and organising relations to others (*the political dimension*). In the practice of parrhesia, ethics, politics and truth are 'indissolubly bound together' (Lazzerato, 2014: 237).

The entanglement of ethics and politics also characterises modern forms of truth-telling or whistleblowing. Let us take Daniel Ellsberg and the leaking of the *Pentagon Papers* – one of the first cases of truth-telling that was later called 'whistleblowing'[3] – as an example. As an expert in strategic decision-making and member of the *RAND* corporation, Ellsberg worked for the Pentagon in the late 1960s. Having had access to classified documents, which in his view proved the systematic deception of the public on matters of the Vietnam War by the US government, he leaked the papers to the *Washington Post* and the *New York Times*

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3   As mentioned above, the US consumer advocate Ralph Nader is usually given credit for coining the term 'whistleblower'. In January 1971, five months before Ellsberg leaked the Pentagon Papers, Nader organised a conference with the aim of invigorating the role on whistleblowing and strengthening the impact and position of 'insiders' who speak out on malpractices (Nader et al., 1972). Ellsberg himself preferred the term 'truth-teller'.

in 1971. Ellsberg's leaking had tremendous effects both on a political and on a personal level. The leaking of the papers ultimately led to Nixon's resignation, it contributed to the further delegitimisation of the Vietnam War, and it provoked intensive debates not only on the legitimacy of state secrets, but also on the legitimacy of Ellsberg's acts in terms of undermining organisational loyalty and violating organisational rules more generally (Weiskopf and Willmott, 2013). He was labelled as 'the most dangerous man of America'. Ellsberg's decision to leak the papers, to intervene in the course of events and to speak out against what he saw as a crime, however, implied many difficult and hard decisions. Ellsberg struggled with conflicting loyalties and had to question his 'duties' and obligations associated with his organisational position and role as expert, adviser and 'president's man'. In a long process of struggle, which he vividly describes in his memoirs (Ellsberg, 2003), he did not only have to take responsible decisions in relation to various others; he also transformed himself from a loyal 'president's man' to a radical critic of this very president and the whole 'regime of practices' that protected state secrets from public scrutiny and debate (Ellsberg, 2004). In this process, we notice a shift from what Kant called the 'private use of reason' (which made Ellsberg a loyal 'organisation man') to the 'public use of reason' (which led Ellsberg reflect on his involvement and the organisation's practices from a more universal point of view). As Ellsberg put it, he was exchanging his personal loyalty to the president, career and influence to what he calls 'higher loyalties' (*ibid.*: xiv), i.e., loyalties to the constitution, obligation to truth and other human lives. In this process, Ellsberg constituted himself as an ethical subject in the sense of becoming the subject of his own moral action (Weiskopf and Willmott, 2013).

The tension that is created by conflicting 'loyalties' is also reflected in the definition of the 'whistleblower' that Snowden (2019) provides in his recently published autobiography. The whistleblower, he says there,

> [is] a person who through hard experience has concluded that their life inside an institution has become incompatible with the principles developed in – and the loyalty owed to – the greater society outside it, to which that institution should become accountable. (Snowden, 2019: 238)

The above accounts by Ellsberg and Snowden illustrate the irreducible interweaving of the ethical and political dimensions of whistleblowing, prompting us to speak of the 'ethico-politics' of whistleblowing. By understanding ethics as 'the considered practice that freedom takes when it is informed by reflection' (Foucault, 1997: 284), the concept of ethics which is implied here, is distinct from normative, often utilitarian or deontological concepts of ethics. Such concepts seek to develop universal, normative frameworks for judging acts of whistleblowing (e.g. Bowie, 1982; Hoffman and

Schwartz, 2015) Often, they assess whistleblowers relative to the question whether they have complied with pre-defined institutional regulations and policies that define the 'right' and 'correct' mode of speaking out (Vandekerckhove and Langenberg, 2012). Our concept is also distinct from concepts of virtue ethics, which tend to attribute specific moral qualities to whistleblowers or relate acts of whistleblowing to specific 'qualities which individuals possess or fail to possess qua individuals' (Macintyre, 2004: 317).

Conspicuously, whistleblowing is also inherently political. While this is widely accepted, we pursue here an understanding of the political, which is linked neither to a specific political agenda nor to specific institutional politics. In our view, whistleblowing is political in the sense that the speaking out of the whistleblower can open up a space for potential transformation. Thus, the questioning, 'de-naturalisation' (Fournier and Grey, 2000) and problematisation of pervasive practices and 'business as usual' can open up established routines and normative arrangements and create a pressure for change.

Whistleblowing has been described as an 'act of field transgression' (Oleson, 2018). As such it violates, transgresses or oversteps specific rules, regulations, logics of specific organisations or organisational fields. Whether it occurs in private companies (Armenakis, 2004), public institutions like the EU (Weiskopf and Tobias-Miersch, 2016) or governments (Delmas, 2015), in health care organisations (Mannion and Davis, 2015), the finance industry (Kenny, 2019), in companies at the heart of 'surveillance capitalism', like Cambridge Analytica (Cadwalladr, 2018), in military organisations or in 'national security' institutions (Ellsberg, 2004; Harding, 2014; see also Bushnell et al., this issue, Lee and Heinrichs, this issue), 'blowing the whistle' will take context-specific forms and variations. None of them is the result of a simple, straight-forward strategic plan of reforming organisations or society as a whole, but all of them may 'initiate powerful democratic dramas in contemporary societies' (Oleson, 2018: 9).

The 'politics of truth-telling' is complex, and contemporary forms of whistleblowing are wide-ranging. Some of them may be triggered by an immediate confrontation with practices that are experienced as intolerable and in need of change, such as, e.g., the speaking up against cultures of gendered violence we have observed in the context of the *#metoo* movement (Morais, this issue). Other forms may seek to change structures of specific work organisations and are 'moved to speak publicly and candidly...in defense of substantive purposes of the organization that employs them' (Rothschild, 2013: 886); still others may go beyond specific organisations and be linked to an 'anarchist macropolitical agenda', as Munro (2017: 536) argued in the case of WikiLeaks.

How the 'act of field transgression' is valuated is contingent on the cultural, institutional and organisational context in which it emerges and connected to a specific *Zeitgeist*. The ethical, moral and political judgment is often controversial, and it changes over time. Taking up the Ellsberg example from above: While he was first labelled by the government as 'the most dangerous man of America' and threatened with 115 years of prison, he was later reframed as a democratic hero and awarded the 'Right livelihood award', among others. We see similar shifting evaluations and constructions in all the major (and minor) cases. Snowden, for example, is in some parts of the world recognised and praised as a 'truth-teller', hero of democracy and an exemplary case of 'civil disobedience' (Scheuerman, 2014);[4] in other parts of the world (particularly in his home country), he is, however, seen as a 'traitor' (Murphy, 2014) who deserves 'severe punishment' or even death penalty.[5]

The positive or negative framing of the whistleblower is important since it affects the credibility of the speaker and the effectiveness of whistleblowing (see also Liu, this issue). While such framing is a potential (political) weapon against whistleblowers, it is not a one-sided process in which whistleblowers are simply passive victims. This especially applies in the digital context where social media and other information and communication technologies also provide whistleblowers with new possibilities to present themselves as truth-tellers. The case of Snowden is again illustrative in this regard: Snowden first presented himself to the public via a video-interview, which was posted on the website of *The Guardian*. It became one of the most viewed videos in *The Guardian*'s history. Snowden was interviewed by Glenn Greenwald, and the interview was filmed and arranged by Laura Poitras. While the interview questions gave Snowden the possibility to present himself as a 'truth-teller', Laura Poitras' specific documentary style also shaped the framing of Snowden as a truth-teller who sacrifices himself for the public good (notably Poitras received an Oscar for the documentary *Citizen Four*). Glenn Greenwald's reflections on the situation substantiate this:

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4   Snowden has received numerous awards, including the Right Livelihood Award, the German Whistleblower Prize, the Ridenhour Prize for Truth-Telling, and the Carl von Ossietzky Medal from the International League of Human Rights (Snowden, 2019).

5   In an interview, given in February 2016, Mike Pompeo, the former head of the Central Intelligence Agency (CIA) and current US secretary of state, said: Snowden 'should be brought back from Russia and given due process, and I think that the proper outcome would be that he would be given a death sentence for having put friends of mine, friends of yours, in the military today, at enormous risk because of the information he stole and then released to foreign powers' (https://arstechnica.com/tech-policy/2016/11/trumps-pick-for-cia-director-has-called-for-snowdens-execution/).

> Laura's work was brilliant – the video was spare and the editing superb – but mostly the power lays in hearing Snowden speak for himself. He cogently conveyed the conviction, passion, and force of commitment that had driven him to act. His boldness in coming forward to claim what he had done and take responsibility for his actions, his refusal to hide and be hunted would, I knew, inspire millions. (Greenwald, 2014: 122)

Contemporary, digitally mediated forms of truth-telling hence reveal the complex and contested framing, valuation and entanglement of the ethical and political dimensions of speaking out. How discourses around transparency and the 'free flow of information', incorporating e.g. visions of a 'free virtual cyberspace' and elements of the 'Californian ideology' (Barbrook and Cameron, 1996), effectively influence ideas and practices of truth-telling and 'digital disobedience' (Scheuerman, 2016), can be further illustrated with reference to yet another example.

Among the groups, which propagate internet freedom and free access to software and knowledge, the 'hydra-collective' *Anonymous* can be seen as an expression of the *Zeitgeist* of our digitalised world (Coleman, 2013a, 2013b). *Anonymous* is a group of hacktivists who deliberately conceal the personal identity of those who participate in its 'operations'. Using various forms of public interventions, like hacking of websites or street protests, the collective seeks to counteract political and economic grievances by exposing repressive forms of surveillance and losses of privacy and freedom (Bachmann et al., 2017). However, while *Anonymous'* 'operations' can be considered as communicative acts that intervene in the world (Dobusch and Schoeneborn, 2015), not all of *Anonymous'* activities can be understood as whistleblowing or parrhesiastic truth-telling. Yet the example of *Anonymous* raises interesting questions with regard to the conditions and limits of truth-telling in the digital context.

The specific technological conditions of the internet play a constitutive role for the collective and shape the modality of truth-telling. While parrhesia as a form of truth-telling requires that the speaker 'personally signs...the truth (s)he states' (Foucault, 2011: 11) and thereby binds her- or himself to that truth, *Anonymous* escapes the logic of a personalised and individualised truth-teller. Though it shares the spirit of the cynical form of parrhesia in criticising predominant conventions of society. The Cynics did so by bringing their *bios into play*, i.e., by publically demonstrating their provoking and dissident way of living (*ibid*.: 165-174). *Anonymous*, by contrast, keeps any individual *bios* secret while developing an organisational identity and actorhood of a constantly changing collective (Dobusch and Schoeneborn, 2015). Alongside the various political actions, *Anonymous'* fluidity, structural ephemerality and concomitant anonymity can be interpreted as a critical statement against the progressive 'disappearance of

disappearance' (Haggerty and Erikson, 2000: 619) in contemporary 'cultures of surveillance' (Lyon, 2018). Where massive data gathering of private companies and national secret services, the profiling of individuals for multiple purposes, and self-presentations and -profiling become the norm, anonymity constitutes a new mode of political subjectification or a 'technique of de-subjection' (de Lagasnerie, 2016: 104; see also Bachmann et al., 2017; Scheuerman, 2016). *Anonymous* intervenes politically in various ways and stands for collectively produced content and actions, rather than single individualised celebrities. Incidentally, in the production of common content within the constantly transforming collective, humor plays a significant role (Coleman, 2014). The most controversial form of humour is thereby the so-called *lulz*. The short form *lulz* means *Schadenfreude*; a dark form of humor, which sticks with *Anonymous* since its beginning in the online forum *4chan* (*ibid*.). The term evolved from the acronym *lol* (laughing out loud or lots of laugh), which is typically used in online chat rooms (Bardeau and Danet, 2011). Whereas *loling* became a popular term for internet chat in general, *lulzing* embraces specific, well-versed technical knowledge and enjoyment of the technology itself.

Essentially the *lulz* plays with the exposure of all kinds of data that seem to be 'personal', 'secure' or 'inviolable': targets receive unpaid pizzas at their home address or have their social security, credit card or phone numbers leaked and private communications posted (Coleman, 2014). Overall, the *lulz* addresses current issues of anonymity and information control and poses the key question: who is able to know what about whom? As Coleman (*ibid*: 33) puts it:

> Lulz-oriented actions puncture the consensus around our politics and ethics, our social lives, and our aesthetic sensibilities. Any presumption of our world's inviolability becomes a weapon; trolls invalidate the world by gesturing toward the possibility for Internet geeks to destroy it – to pull the carpet from under us whenever they feel the urge.

Such 'puncturing of consensus' can be understood and performed as a disruptive form of truth-telling that seeks to make the fragility of anonymity and people's privacy in digital cultures visible and, and by doing so, helps to protect it. Yet, without doubt, there are forms of *lulzing* that violate boundaries that are worth being protected and defended within the ethico-politics of truth-telling. An example for a particular problematic form of *lulzing* is the posting of pictures of cruel accidents or bloody scenes of crime on the Facebook profiles of the victims or their relatives (Phillips, 2011). In view of this, *lulzing* violates the boundaries of ethics and legality and, more specifically, often involves trans- or homophobic and racist insults, or forms of gender discrimination and sexual harassment. It seems that the collective and anonymous act of transgression is accompanied by a lack of accountability of a truth-telling subject. While some radicals affirm the

'liberation from the stage of ethics' (de Lagasnerie, 2015: 109) and stress the transformative potential of anonymous acts, we would stress the indissoluble entanglement of ethics and politics. Hence, the example of *Anonymous* does provoke interesting questions with regard to the conditions and limits of truth-telling in digital cultures, including the problematic consequences that may accompany the 'lack of limits' of leaking and speaking out.

In all: In our understanding, the ethico-politics of truth-telling recognises that acts of whistleblowing are fundamentally ambivalent (Perry, 1998). They are neither intrinsically good nor bad. They are often contradictory, complex, multidimensional or even 'undecidable', as well as unforeseen and unpredictable (Kenny, 2019; Weiskopf and Willmott, 2013). Their evaluation is frequently controversial and contingent on the socio-economic, institutional and organisational discourses that frame them, the procedures that govern them, and the power relations that shape the sense-making process in specific temporal and geopolitical contexts. Accordingly, the valuation of truth-telling acts varies widely across cultures, regions and countries (Vandekerckhove et al., 2014). Consequently, the ethico-politics of whistleblowing is not about universal judgment or about prescriptions of political programmes. It is not a set of principles or rules of behaviour but, on the contrary, understood as a process to be unfolded in a space constituted by the questioning and 'breaking' of established structures, rules and orders. Such spaces are always contested, but they seem to have the immanent potential to effectively reshape and reconfigure extant practices and relations to power and the knowledge and 'truths' that such relations create and seek to occupy (Weiskopf and Tobias-Miersch, 2016; Rabinow and Stavrianakis, 2014). The ethico-politics of whistleblowing requires understanding singular cases in their complexity and exploring the 'aporias' (Andrade, 2015) and paradoxes in the whistleblowing process (Monk et al., 2015). This implies to understand the 'conditions of possibility' of truth-telling, to explore their constraints, and to possibly transform them (Kenny et al., 2018).

The contributions to this special issue share an interest in exploring whistleblowing as an ethical, political practice that is mediated in multiple ways. Acknowledging that forms and mediations of truth-telling are complex and changeable over time, they examine questions such as: Who, in contemporary culture, is considered to be qualified to 'speak out' and blow the whistle, under which conditions, about what, in what forms, with what consequences, and with what relations to power? Some contributions are, more specifically, interested in how the figure of the whistleblower is currently constructed and positioned, and whether this position/ing implies a specific relation to gender, race and ethnicity. Furthermore, attention is paid to the question how whistleblowers constitute themselves as political and ethical subjects, willing to take risks and pose a

challenge, to others and themselves. In this context, reflections on the 'costs' of whistleblowing and its implications for the individual 'truth-teller' are also introduced. In what follows, the contributions to the issue are presented in some more detail.

Contributions to the special issue

This special issue starts with Mahaut Fanchini's paper, 'Those who listen: On the role of external recipients in whistleblowing cases'. In her contribution, Fanchini explores whistleblowing as a relational process and practice that does not only include the individual whistleblower, i.e., those who 'speak truth to power', but also those who listen, the external recipients of whistleblowers' narratives. By critically reflecting on the role recipients of such narratives, including e.g. researchers, the media and the 'general public', have in 'classifying' and constituting a whistleblowing case as legitimate and 'acceptable', the author makes an important contribution to existing studies of whistleblowing. More specifically, Fanchini's discussion of the 'conditions of reception' of whistleblower narratives, stemming from people who disclosed illegal or unethical organisational practices in the financial services sector, exemplifies the essential role of external recipients in defining a whistleblowing case as 'real' and legitimate – or in dismissing it as illegitimate. In this context, the author pays close attention to the construct of 'general interest' (and its upholding and safeguarding), which effectively informs decisions on whether whistleblowing cases are considered legitimate, or not. Fanchini's contribution, overall, foregrounds the powerful mediating role recipients can adopt in acts of 'truth-telling' (by supporting or limiting such acts) and thereby reinvokes the unstable and contested status of whistleblowers. 'By focusing on *what can be heard* instead of who is saying it or why it is said' (716), Fanchini's paper casts a different, much welcome glance at the political dimension and 'charge of whistleblowing' (*ibid.*).

The paper by Sara Morais, 'Naming and shaming or "speaking truth to power"?', is related to Fanchini's paper in that it also refuses to situate whistleblowing and its experience in the realm of the individual whistleblower. Morais' contribution explores from a critical feminist perspective the emergence and circulation of a crowd-sourced list of alleged sexual harassers in Indian academia. Adopting a prominent position in India's *#metoo* 'moment', the anonymous list, referred to as *LoSHA*, has led to contested discussions of feminist strategies and tactics of exposing sexual harassment and violence. Instead of engaging with the pervasive problem of sexual violence, extant discussions mainly focused on the ethicality of the list and its concern with 'naming and shaming'. By referring to Foucault's

concept of parrhesia, Morais' paper addresses the question whether there is legitimacy in what has widely been dismissed as 'naming and shaming'. In doing so, the author defines the list *LoSHA* as a political act of 'digital and networked parrhesia' (723), which challenges and seeks to re-create established power structures and 'truth games' in Indian academic institutions (and beyond). Following Morais, the 'list becomes the infrastructure for institutional critique' (724) and, as such, a way of addressing, problematising and altering prevailing cultures and structures of gendered violence. By situating the paper within the (trans)national feminist *#metoo* movement and highlighting how extant powers and truth games might be modified through digital, networked forms of 'truth telling', Morais' paper is not only highly timely and topical; it also resonates well with the special issue's interest in how truth-telling as an ethico-political practice is mediated within contemporary digitalised society.

Elaborating on feminist infrastructure studies, the contribution 'If truth was a woman: Leaky infrastructures and the gender politics of truth-telling' is connected to Morais work, by demonstrating how gendered and sexualised imaginaries determine what counts as truth, who counts as a truth-teller and, accordingly, what counts as truth-telling practices. Daniela Agostinho and Nanna Bonde Thylstrup show how truth-telling is entangled with socio-technological imaginaries where gender and sexuality are symbolically and materially implemented in media technology. They argue that a leak is 'a gendered infrastructural imaginary of the passive female's failure to contain truths' (766), while 'whistle-blowing and hacking are gendered imaginaries pertaining to active gestures of truth-telling through spectacle and transgression' (*ibid.*). At the same time, they demonstrate how these binaries can be subverted by queer subjectivities. The article points out that the leak is not a failure in networked systems, it is how the system works. With a critical approach to the case of *Cambridge Analytica* the authors emphasise that this has also become a lucrative business model for social media platforms and illustrate how truth-telling intersects with political and economic regimes in a broader sense. The article subsequently makes the point that analysing and questioning predominant imaginaries can not only help us to understand how the gendering of truth-telling is mediated by a socio-technical apparatus, but can also support us in developing 'improved' conditions for truths to be told in all organisational contexts. Therefore, the work is an important reminder that infrastructures matter, because they fundamentally determine 'whose knowledge and labour are valued, and which subjectivities, voices and bodies come to count in social and public life' (769).

The last paper is by Steven Sampson. As already the title suggests – 'Citizen duty or Stasi society? Whistleblowing and disclosure regimes in organisations and

communities' – the disclosure of knowledge is both ambivalent and highly political. Sampson starts from the idea that knowledge is never fixed, stable or neutral. It always, at least potentially, escapes the confines of organisations, departments, groups and other 'containers'. Sampson reminds us that every social group and organisation seeks to ensure that private, internal, confidential, etc. knowledge is protected and does not reach the wrong eyes or ears. 'Knowledge must be protected or controlled. Escaping knowledge is dangerous' (779). Every society, Sampson argues, develops specific norms and practices that regulate how, when and in what form knowledge is allowed to circulate. The important concept of the 'disclosure regime' basically comprises all the practices that formally or informally regulate the escape of knowledge. They define legitimate and illegitimate channels for escaping knowledge, and they comprise possible incentives for disclosures, punishments or retaliation against tellers of secrets or whistleblowers. Disclosure regimes are dynamic, they may change over time and become institutionalised, and they may have very different effects. Sampson provides two exemplary case studies: the US government whistleblower programme(s) and the citizen 'informing systems' in Denmark and Sweden. As different as these examples are, in both cases knowledge of internal or private wrongdoing is exposed to an outside authority. In comparing these systems, we gain some insights into the contingency of disclosure regimes and their working. As such, the concept of disclosure regime opens up and broadens the field of whistleblowing research. Organisational whistleblowing, from this perspective, is part of a much broader disclosure regime, which includes personal revelations, truth-telling, leaking of information, whistleblowing and other forms.

Alongside the four full papers, this special issue includes two interviews and two notes.

In the interview, 'How to protect the truth? Challenges of cybersecurity, investigative journalism and whistleblowing in times of surveillance capitalism', Randi Heinrichs discusses with the investigative journalist, cybersecurity specialist and privacy activist Micah Lee the challenges of truth-telling in the contemporary age. Before Edward Snowden became a whistleblower in 2013, Snowden contacted Lee and asked him for support in building a secure system to communicate with the press, without being caught in the middle of it. Although Snowden himself is an expert on cybersecurity, he needed the cooperation from the receivers' side to protect the information and his own anonymity. By telling the back-end-story of the 'NSA leaks', the article shows how the act of truth-telling is deeply entangled with a crisis of information security: it results from it, acts against it and has to consider it during the process of revelation. Therefore new expertise in the area of cybersecurity is needed, and new players evolve. As whistleblowers and journalists raising their voices against issues stemming from

conditions of the powerful global surveillance apparatus are increasingly criminalised, Lee reminds us that the disclosure of classified state information 'is suddenly a signature of our time (and) seems not to demonstrate a criminal destructiveness of single dissidents. Instead, it seems to be a sign of disruption within the security apparatus structured by the economic rules of surveillance capitalism' (822-823).

The note by Alexis Bushnell, Kate Kenny and Marianna Fotaki, 'The battle for the whistleblower' presents an interview with CIA whistleblower John Kiriakou. The note highlights the complexities of whistleblowing, defined as acts of 'speaking truth to power', and engages, more specifically, with the struggles over 'establishing a voice and gaining legitimacy' (825) as a whistleblower. The insightful accounts given by John Kiriakou illustrate in an exemplary way the unsettled and unsettling status and position whistleblowers occupy. Bushnell et al. foreground the political dimension of truth-telling and, specifically, address how acts of truth-telling are shaped and organised by different mediums and actors, such as contemporary media, which foster (or counteract) the legitimacy of those who speak out. The note, overall, provides important empirical and theoretical insights into the complex politics surrounding whistleblowing, into questions of framing acts of speaking out as legitimate and into the, oftentimes precarious and challenging, effects of such framing for the individual whistleblower. By this means, the note reflects and at the same time extends the issue's focus on the ethico-politics of truth-telling and the specific conditions and effects of its mediation.

The second note by Ian Foxley explores the ethico-politics of whistleblowing through the lens of 'stigma'. Foxley looks at the practices of stigmatisation, which are often used as a weapon for silencing whistleblowers or a specific technique for undermining their credibility, integrity and trustworthiness. While this destroys the very basis of the efficacy of whistleblowing, it also creates a 'humbling experience' for those who speak out. Based on his own experience and an empirical study conducted at the *Centre of Applied Human Rights* in York, Foxley illustrates how whistleblowers become victims of stigmatisation and how they respond to processes of stigmatisation by developing coping strategies. Foxley makes two interesting contributions to the special issue. First, he situates what he calls the 'whistleblower paradox' at the very heart of the 'ethico-political drama': society declares support for the 'honest disclosure of wrongdoing' (852), but it penalises those who speak out. Second, referring to Erving Goffman's classical study of social normality, he proposes to overcome the dichotomy between 'normals' and 'abnormals' by reframing whistleblowers as 'supranormals'. Supranormals are ethical subjects who step 'outside the local

norm' (860) and remind the organisation and the 'normals' of the relevance of ethical norms in society.

In the third note, 'To be a hero and traitor: A note on truth-telling and fear', Helena Liu draws attention to the affective dimension of truth-telling and speaking out in the context of academia. Liu's personal note illustrates how the subject is exposed or exposes him- or herself in acts of speaking truth to power. This makes the subjects vulnerable, and constitutes fear and anxiety as companions and 'shadow' of truth-telling. More specifically, Liu reflects in this note on her own experience of speaking out against organisational racism and white supremacy in a particular academic institution. While the rhetoric of 'academic freedom' prevails, and critique is widely appreciated and valued in this institution, Liu shows that some forms and objectives of critique are socially more acceptable than others, and that the limitations and boundaries of critique cannot be crossed without provoking alienating, unsettling and even hostile reactions from those who benefit from established and institutionalised power-relations.

The special issue is completed by two book reviews. Meghan Van Portfliet's review of the book *Women, Whistleblowing, Wikileaks* points to some key questions that organisations and whistleblowers face today with regard to how digital infrastructures and access to knowledge influence what can become truth. Following Van Portfliet, 'anyone interested in power, media or whistleblowing will find relevant and insightful' (880) accounts in the book, authored by three women who are all tied to Julian Assange and his work: the Guatemalan human rights lawyer Renata Avila, the British journalist Sarah Harrison, and Angela Richter, a Croatian-German theatre director. While the conversations of the authors open up important points of discussion, some of them are not elaborated in much depth like, for example, the wide absence of the gender aspect in whistleblowing research – something to which this issue seeks to respond.

The final contribution to this special issue is Rasmus Johnsen's review of *Whistleblowing: Toward a new theory* by Kate Kenny. In his review, Johnsen follows Kenny in calling for studies of whistleblowing that are more sensitive to the display of affects and emotions, because 'such displays and the relationships they emerge in can help us shed light on the variety of attachments people who speak up develop' (888). For Johnsen, Kenny's book is a manifestation of such 'sensitive' research on whistleblowing, whistleblowers and the accounts they give. Such research allows the development of a more accurate and nuanced understanding of whistleblowers and thereby undermines extant black-and-white oppositions. The latter eventually echoes a main objective of this special issue on the ethico-politics of whistleblowing: to go beyond a positioning of

whistleblowers and whistleblowing as either good or bad, and to emphasise instead the ambiguity and intricacies that are, and remain, inherent in whistleblowers' acts of 'truth telling' and their complex mediation.

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Those who listen: On the role of external recipients in whistleblowing cases*

Mahaut Fanchini

abstract

Although the 'relational' dimension of the whistleblowing process has been highlighted in the existing literature, the role of 'those who listen' has received little attention. I investigate this aspect by drawing on three qualitative narratives gathered from former financial services industry employees or clients who confided that they had witnessed organisational frauds, thereby aligning them with common definitions of whistleblowers. This empirical article describes how, as an external recipient of the whistleblowers' narratives and a qualitative researcher, I classified two of these narratives as 'legitimate' whistleblowing cases while dismissing the third one based on criteria I will detail in this article. Reflexively elaborating on this personal classification contributes to the existing literature in three ways. Firstly, it shows how recipients of whistleblowing narratives are involved in framing 'acceptable' whistleblowing cases when deciding whether an individual narrative meets the definition of whistleblowing. This aspect highlights the 'unstable' aspect of such a status, which is dependent on the recipient's personal, and potentially fluctuating, opinions. Secondly, I argue that addressing an external audience may be a means for whistleblowers to convey a politically troubling warning in a context where whistleblowing is becoming increasingly 'institutionalised'. I conclude by highlighting the potential for a critical understanding of the concept of the 'general interest' for future whistleblowing studies.

Introduction

> What matters about whistleblowers [is] not that we should respond to them in a particular way but that they compel such serious attention, forcing us, as we respond, to confront some of our most fundamental ethical assumptions. (Brown, 1987: 10, cited in Contu, 2014: 403)

Edward Snowden, Chelsea Manning, and Herve Falciani – all three have been highlighted by the media under the epithet of 'whistleblowers', i.e., organisation members (former or current) who disclose 'illegal, immoral, or illegitimate practices under the control of their employers, to persons or organisations that may be able to effect action' (Near and Miceli, 1985: 4). These specific cases have been turned into high-profile stories, but other cases of similar importance have remained in the shadows: why are some cases of whistleblowing picked up by the media, brought to the public's awareness as organisational wrongdoings, and turned into international 'scandals', while other stories remain largely unknown?

To address this question, we could suggest that whistleblowers can be seen as 'players' (Ocasio, 1997) who make a 'bet' that what strikes them as a moral dilemma is likely to be shared and adopted by others (Alford, 2007; Lindblom, 2007). In this article, I am precisely interested in these 'others' and I therefore focus on the role of whistleblowers' interlocutors, i.e. the 'bystanders' (Contu, 2014) who are defined by their act of 'listening' to whistleblowers. As Contu puts it:

> Whistleblowing is never only about 'them', the whistleblowers. Instead, it is relational and quite obviously is about those witnessing whistleblowing and their responses to what they see and feel. (2014: 402)

Some of these respondents may be internal to the organisation (colleagues, managers, HR, trade unions, etc.) while others may be external (media representatives, lawyers, NGOs, researchers, etc.). For the purpose of this research, I focus specifically on the role of the researcher as an external recipient of whistleblowers' narratives. I question the extent to which the outcome of the whistleblowing process depends not only on the ability of the speaker to be *convincing* but also, and more importantly, on the conditions under which the speaker can be *listened to, heard* and *enabled* to access the status of 'legitimate whistleblower' in the context of the research relationship. I argue that the researcher's a priori expectations of what, in his or her opinion, 'true' whistleblowing cases are or should be, are likely to frame further 'acceptable' whistleblowing discourse. In this paper, I investigate and discuss the criteria that led me to label two narratives as 'whistleblowing cases' while dismissing the third one. In order to address this question, I present three narratives from the French banking industry from 1998 to 2013 that I gathered as part of my doctoral

dissertation. In these specific cases, the individuals I met were looking to attract external attention, from the media or from anyone ready to listen to them. They may have firstly tried to resolve the malpractice internally, but when I met them, they had shifted their focus to an external audience. One of the narratives I present (Stacie's narrative – 1) has had a huge media impact in France, with the bank awaiting a trial judgment for 'tax evasion' and facing a significant multi-million euro fine. Conversely, the two other cases I present went relatively unnoticed. In one of these cases, the interviewee is currently gathering data in an attempt to obtain a European court order (Robert's narrative – 2); while in the other case, the third narrative (Isabel), the employee has been dismissed without managing to change the rules she denounced.

This empirical article reflexively recounts how, having met and interviewed the three people promoting their cases, I had no doubts about classifying Stacie's narrative as a whistleblowing case. Conversely, Robert's narrative was dismissed, while Isabel's narrative was finally, after argumentation, qualified as a whistleblowing case. All of these cases would fit the common definition of 'a whistleblowing case' (Miceli et al., 2008).

Reflecting on this experience, I seek to identify the kind of criteria that led to these choices. I argue that the researcher, as an external recipient of the whistleblower's narratives and through his/her choices, contributes to framing 'acceptable' whistleblowing cases. I believe this discussion is especially important since the presence, effect or role of the researcher is commonly 'downplayed' (Gilmore and Kenny, 2015) in organisational ethnographies, including studies on whistleblowing, with the silent assumption that the researcher's presence is neutral and has no impact on the topic s/he studies or on 'the themes, categories and frames by which the people studied come to be represented' (Gilmore and Kenny, 2015: 56; Van Maanen, 1988, 1995). As Gilmore and Kenny (2015: 69) note with reference to Yanow (2009), 'methodological and writing conventions require that academics deny or at least minimise their reported impact on the phenomenon being studied'. Adopting the opposite point of view, this article shows how, as a researcher working on qualitative narratives, I in fact helped to legitimise some narratives as whistleblowing cases.

In my experience, different dimensions came into play when deciding whether to grant the three narratives the status of 'whistleblowing cases': media *interest*, *validation* from the legal authorities, the *promptness with which the narrators identified themselves as whistleblowers* and my *personal agenda* as a PhD student, which may have increased the likelihood that I would qualify the narrative as a whistleblowing case. However, most important of all, and in spite of some congruent early mentioned criteria, the opinion the narrative would actually

defend the *general interest* as I conceive it appeared as a decisive criteria, that would in particular lead me to reconsider the third narrative as an actual whistleblowing case, even 'ambiguous', showing that some criteria weight more impact than others.

Three contributions can be discussed based on these insights that add to the existing approach on whistleblowing as a mediated and culturally shaped practice (Heinrichs et al., 2018). First of all, these insights highlight how the researcher, as an extra-organisational recipient of the whistleblower's narrative, plays a role in giving the dismissed organisational member an opportunity to re-realise him/herself as a legitimate speaker, a person who tells the truth or a parrhesiast (Kenny and Van Portfliet, 2016; Weiskopf and Tobias-Miersch, 2016). Secondly, I argue that, while internal whistleblowing is becoming more and more an 'institutionalised' organisational critique (Vandekerckhove and Langenberg, 2012), external recipients, here in the form of the researcher, can help whistleblowers in terms of claiming or conveying the political charge of the whistleblowing process, unmediated by internal organisational devices. However, in order to be listened to and 'bought' by the audience, the political charge of the attempted whistleblowing must be aligned with the recipient's a priori expectations. The third contribution of this paper is therefore to highlight the critical importance of the concept of the 'general interest' in the context of whistleblowing studies in order to better understand how problematic political issues can be raised and turned into actual whistleblowing cases.

This article is organised as follows. In the next section, I give a brief overview of how the question of whistleblower 'respondents' has been dealt with in the literature. I then develop the methodology and present the narratives. Finally, I discuss the insights gained during the study and their implications.

The role of the extra-organisational respondents in whistleblowing studies: A blind spot?

The whistleblower literature has long been shaped with ambivalence towards whistleblowing (Contu, 2014), seeking to explore who blows the whistle (Dyck et al., 2010; McCutcheon, 2000; Miceli et al., 1991), and how the decision to do so is taken (Dozier and Miceli, 1985; Gundlach et al., 2003), from an empiricist, instrumental and 'explanatory' (Contu, 2014), or even 'profiling', perspective (Kenny et al., 2018). The whistleblower 'disturbs' and the question of the 'recipient' is one of the three core 'disputes' in the literature (the others being whether the whistleblower's motivations should be virtuous and what is permitted/not permitted in terms of disclosure) (Jubb, 1999).

Some authors have observed that the interlocutors, whether an ombudsperson or a technological disclosure device, can be internal or external to the organisation (Dworkin and Baucus, 1998; Zhang et al., 2009). According to Culiberg and Mihelič (2017), there is a general consensus that the wrongdoing should first be reported internally. Several studies have therefore attempted to investigate the conditions for 'managerial' or 'organisational responsiveness' to whistleblowers' claims (Vandekerckhove et al., 2014). For example, the possibility of offering effective anonymity to employees who choose to disclose malpractices internally is discussed (Vandekerckhove and Lewis, 2012). Existing works also observe that whistleblowers are likely to receive different responses from different individuals in the organisation (Vandekerckhove et al., 2014), ranging from 'addressing' the malpractice to 'retaliating' against the whistleblower. However, they notice that further 'characteristics' relating to the recipients, both internal and external to the organisation, could be gathered (*ibid.*).

Whistleblowing should also be seen as a practice embedded in a wider political and cultural context (Heinrichs et al., 2018; Kenny and Van Portfliet, 2016). Here, the circulation of the whistleblower's discourse in the space outside the organisation and the implications of this circulation are investigated, with whistleblowing being as much a 'political practice' (Rothschild and Miethe, 1994, 1999) as an 'organisational' one. In particular, some authors discuss the idea that the whistleblower could be seen as a 'truth-teller' (Mansbach, 2009; Munro, 2016; Weiskopf and Tobias-Miersch, 2016; Willmott and Weiskopf, 2013). Most of these works are based on the Ancient Greek concept of *parrhêsia*, as discussed by Michel Foucault (Foucault, 1983, 1984), which qualifies a modality of discourse in the context of asymmetrical power relations (Weiskopf and Tobias-Miersch, 2016). Being a parrhesiast involves a certain amount of courage, that of speaking truth to power, a quality that is often used to describe whistleblowers (Munro, 2016). When viewed as a 'critical practice', whistleblowing can also be seen as a renewed form of resistance to power within and outside organisations (Rothschild and Miethe, 1994). Debates about forms of resistance have opposed micro-practices of resistance (Ackroyd and Thompson, 1999; Thomas and Davies, 2005) with collective strategies (Jermier et al., 1994; O'Doherty and Willmott, 2001). Some scholars have regretted that resistance at work expressed as forms of cynicism or humour could amount to mere 'decaf resistance' (Contu, 2008; du Plessis, 2018), in other words resistance which 'changes very little'. Contu challenges this 'micro' view of resistance, using whistleblowing as an example of 'real resistance':

> A real act of resistance is exactly an act of the impossible. This is because it cannot be accounted for and presupposed in and by the Law and its obscene undergrowth; as such, it is an impossible act. (2008: 370)

However, the qualification of truth-teller, or the act of speaking truth to power, goes beyond the sole subjectivity of the speaker, and needs to be understood 'as formed and shaped, yet not determined, by the discursive context in which it emerges' (Weiskopf and Tobias-Miersch, 2016: 1622). The whistleblower is not a pre-existing entity but rather emerges through the practice of speaking out (Weiskopf and Willmott, 2013). Here it is important to stress the key 'relational' aspect of the process as well as 'the importance of the reactions of those who hear' (Contu, 2014: 1). In particular, those who listen are said to be more 'powerful' than those who speak, with speakers putting themselves in risky positions.

Yet, what it means to 'listen to the whistleblowers', the extent to which recipients' political expectations count, or the kind of 'power' recipients have over potential whistleblowers (Contu, 2014) remains unexplored per se – an avenue that I investigate in this article by recalling my own experience as the recipient of whistleblower narratives.

A reflexive researcher's account of gathering whistleblower narratives

This article's research question emerged from my fieldwork. Over my five years of investigating whistleblowing (as part of a doctoral dissertation) I received several messages from anonymous correspondents, who wrote to my professional email address, explaining that they were 'whistleblowers' and that they wanted to meet to tell their stories. In 2015, while I was attending a conference in Paris about the protection of whistleblowers, a man (I will call him Robert) approached me with the following statement, 'If you are interested in whistleblowers' stories we should meet, because I am a whistleblower myself'. We met shortly after and I listened to him for two-and-a-half hours. I started to experience a *feeling of doubt* after about twenty minutes, 'Was he a whistleblower? Or was he someone who had set up a complex real estate loan with his bank and was now having trouble meeting the repayments? How to distinguish between these options? Should I judge?'

I present below an overview of three specific narratives related to whistleblowing (including Robert's) as well as the methodology I used to analyse them. To clarify the analysis, I use the word 'narrative' when discussing the story told by the interviewee. The question here is whether, and under which conditions, to classify the narrative as a 'whistleblowing case'.

Data selection

Identifying 'whistleblowers' who would be likely to answer my questions was part of a broader project (my doctoral dissertation). To do this, I adopted various different approaches. I identified a number of people who had been named as 'whistleblowers' in the main national newspapers in France, such as *Le Monde*, *Le Figaro* and *Liberation* (Stacie's narrative (1), in particular). In the narratives I present, the employee denounced unethical or illegal organisational practices in the financial services sector.

Stacie put me in touch with Isabel. Robert approached us spontaneously at a meeting about the protection of whistleblowers. He presented himself as a whistleblower and we met so that he could tell his story. I provide a summary of the three narratives examined in Table 1 below. I immediately had no doubt that Narrative 1 (Stacie) was a whistleblowing case; Narrative 2 (Robert) was dismissed; and Narrative 3 (Isabel) was deemed a whistleblowing case after discussion.

	Nature of the organisational practices unveiled	Status as a whistleblowing case
Narrative 1 (Stacie)	Tax evasion system	Accepted
Narrative 2 (Robert)	Fraudulent loan	Dismissed
Narrative 3 (Isabel)	Systematic undervaluation of financial risks	Discussed and accepted

Table 1: Summary of the narratives

Before meeting each person, I gathered secondary data when available (mostly press releases and newspaper articles, based on a Factiva search that generated a corpus of 129 newspaper documents) relating to the episodes. I asked the interviewees to tell me about their professional and personal lives, using temporal bracketing to structure the interviews (Langley, 1999). I was looking for an extended vision of their personal paths (Essers, 2009). Interviews were non-directive, following a chronological path, and I aimed to let interviewees tell their stories freely, expressing ambiguities on their own. Questions were mostly kept open, which allowed me to react to the interviewees' responses. Isabel (Narrative 3) also handed me over a file with documents she had gathered about her story. She printed all of the emails she had exchanged with her superior during the time she sought to blow the whistle in her bank and handed me a copy.

A few elements from the interviews were kept off the record, as requested by the interviewees (mostly names of colleagues and superiors). The interviews were fully recorded, transcribed and anonymised. The interviews were conducted in French; the verbatim statements presented in this article have therefore been translated into English.

Collection of narratives

The section below presents three narratives: I immediately labelled Stacie's narrative as a whistleblowing case, I dismissed Robert's narrative the label of 'whistleblower' and I qualified Isabel's narrative as such after close discussion.

1. Stacie – In 1999 Stacie was hired as head of Marketing and Communication in Paris for the French subsidiary of a Swiss bank. Her mission was to help open local offices in Lyon, Marseille, Bordeaux, Toulouse, etc. so that the bank could offer services to wealthy French prospects. In summer 2007, a tax fraud scandal broke in the United States when an American banker from the bank's American subsidiary revealed how the bank had set up a vast system of fiscal fraud by helping American tax evaders to move undeclared income offshore to Switzerland. A few internal press releases were circulated in the French subsidiary to reassure employees about the integrity of their local branch.

On Wednesday 25 June 2008, Stacie's boss showed up in her office and ordered her to 'delete all of the computer content' she had been working on for nine years. These documents, such as invitations to events, photographs and sales bills could have been used to probe the joint presence of Swiss bankers, French bankers and wealthy French clients of the bank. Such joint presence is controversial, since Swiss bankers are likely to 'suggest' that clients move their assets offshore. Not quite sure that she had fully understood the order, and afraid that she might be accused of destroying evidence, Stacie disobeyed and pretended to erase the documents while actually making a copy of them.

From that day on, she progressively started having doubts and tried to gather information about what was going on in the bank. She wrote several emails to the CEO of the bank to question him, alerted health and safety committees about stress and employee turnover, and gathered testimonies from former employees. In December 2008, she began to think that there might be a tax evasion system within the bank. One year later, she filed a complaint in court for 'organised perpetration of tax fraud'. She was suspended from her position in January 2012 and eventually resigned. In June 2012, two French investigating magistrates opened a formal judicial investigation. The bank has been convicted of 'illicit

prospecting activities' and 'tax evasion laundering' and now risks a record €4.88 billion fine.

2. Robert – Robert is a French audit and accountancy consultant. In 1998, during one of his missions, he met a Swiss land developer who offered him the opportunity to buy an apartment off-plan in a Swiss chalet. The land developer's bank would finance up to 75% of the transaction. There were two specific contractual clauses that Robert understood and agreed with. First of all, foreign guarantees were prohibited: the bank required Swiss assets as a guarantee. Secondly, if Robert had trouble repaying the loan, the bank would sell the apartment at auction. Robert reimbursed the loan for seven years before running into problems with his repayments. He then had to sell the apartment, as explained in the contract. The apartment was sold at auction for one quarter of its initial value. The buyer of the apartment was the bank, which then also sued Robert for the money he still had to pay due to the initial loss in value of the apartment. The bank finally resold the apartment at a price near to its initial evaluation. At the time I met Robert, he was gathering documents to sue the bank at the European Court of Human Rights.

3. Isabel – Isabel worked as a risk analyst in a national French bank. She was in charge of evaluating the bank's 'counterparties', in other words the firms to which the bank loaned money, using financial documents such as balance sheets, statements of profit and loss, and so on. If the loans are higher risk, the rating, or grade, should be lower. European regulations also exist regarding these grades, meaning that a bank cannot loan money to a firm whose grade is too low.

Isabel had worked at the bank for 15 years when a new manager arrived. Their risk appreciations begin to diverge when her manager appeared to systematically write up the grade of clients evaluated by Isabel. This created difficulties between Isabel and her manager. The manager accused Isabel of 'not favouring the commercial interests of the bank', while Isabel judged that such behaviour went against the fundamental role of a Risk Analyst, and that they were putting 'the bank at risk'.

This conflict gradually escalated: Isabel's personal evaluation was downgraded and her bonuses suppressed. Isabel wrote several emails to her managers and the General Manager of the bank, as well as to HR, to set out her views. She was finally dismissed for 'professional misconduct' on the basis that she could no longer work with her manager.

Isabel sued the bank for 'unfair dismissal' and for 'corruption and attempted corruption'. She explained that she was explicitly asked to align her behaviour to

that of her manager or face losing her bonus – a threat she qualifies as 'corruption'. The French authorities have conducted no investigation to date. Isabel has not yet been able to find a new job.

Data analysis

I started the analysis by identifying key ideas that would address the following question: 'Why did I immediately feel able to deem Stacie's narrative as a whistleblowing case but uncomfortable qualifying Robert's narrative as whistleblowing?' To address this question, I read the transcripts many times, in order to immerse myself in the material. I also reread the field notes I had made during the PhD fieldwork period, trying to recall the emotions I had felt at the time. I attempted to identify features that helped to 'sell' the story to me. For example, when identifying the potential importance of the 'legal authorities' interest' in the case as a criterion for classifying a narrative as a whistleblowing case, I attempted to determine whether narratives two and three had been considered for police investigations, like the first narrative. For the other criteria, I searched for similarities and differences between the cases. Since this research is based on three narratives, the insights are interpretative propositions of how the researcher, as an external recipient to whistleblowers' narratives, chooses to acknowledge one story while dismissing another as not being a 'true' case. As with all interpretive research, however, other researchers might draw somewhat different conclusions from the empirical material I analysed (Frost et al., 2014).

Findings

Stacie's narrative aroused no doubts: I *immediately* labelled it as a convincing whistleblowing case. Robert's and Isabel's narratives aroused suspicion: were they *really actual* whistleblowing cases?

The sections below reflexively expose the criteria that led me to label Stacie's and Isabel's narratives as whistleblowing cases while ultimately dismissing Robert's narrative. Reflexively, I believe different dimensions played a part in assessing the narratives, namely the legitimisation from other sources, the promptness with which the narrators identified themselves as whistleblowers and my personal agenda as a PhD student. Most important of all, and in spite of some congruent early mentioned criteria, the opinion the narrative would actually defend the general interest as I conceive it appeared as a decisive criteria, that would in particular lead me to reconsider Isabel's narrative, even 'ambiguous', as an actual whistleblowing case.

The importance of legitimisation from other sources

The first dimension that emerged from this experience is the fact that, as a researcher looking for 'whistleblowing cases', I was likely to label as 'whistleblowing cases' narratives that had previously been qualified as such by other sources, such as the media and the legal authorities. Stacie's case was highly mediatised in the economic news sections of French daily newspapers, an aspect I was aware of when I met Stacie. When I first met her, her mobile phone buzzed continuously during our meeting. She mentioned that three TV programmes had invited her to tell her story: 'Look, this is Bloomberg calling me', 'I'm very, very, nervous because I will be live on Swiss television next Thursday, and as you can imagine, I do not expect the interview to go smoothly', 'I also have a talk to prepare for an event that is being thrown to support me.'

Stacie also published a 'tell-all' book about her spectacular experience. The book, which has been evoked in many investigative articles, was published by a major publishing house, with a preface written by a renowned French investigative journalist. Another example of this mass-mediatisation is that Stacie's story is commonly referred as the 'Bank XX scandal'. The fact that the media discussed Stacie's narrative strengthened my decision since I was able to read about the story from different sources and triangulate the information. These aspects definitely supported my instinct that I was, without a doubt, dealing with a 'real' whistleblower.

Conversely, very few articles mention Robert's or Isabel's narratives. The fact that virtually no media sources referred to these narratives led me to think twice about keeping them in my data collection since, as the recipient of the stories, I alone had to decide whether to 'buy' the story and include it in my data collection.

Another key aspect that may lead to the legitimisation of the narrative as a whistleblower's case is the involvement of the legal authorities. In Stacie's case, the legal authorities, or another important institution, have launched at least one investigation. At the time I met Stacie, at least three investigations had been opened, including one opened by the bank against her as a retaliation method. At the moment I wrote this article, the company had being prosecuted and was facing a fine of up to 4.88 billion euros, the largest fine ever given to a bank in France. This would definitely qualify the case as an actual 'whistleblowing' case. Neither Robert's nor Isabel's story had led to an investigation being opened when I met them, in both cases several years after they had started to voice their concerns.

The fact that neither Robert nor Isabel managed to attract the media's attention, nor convince the legal authorities to launch an investigation based on their

testimonies, further calls into question the extent to which they were 'convincing whistleblowing cases'. In my opinion, these factors are not, however, sufficient grounds for dismissing their narratives. In the specific case of Isabel, the fact that Stacie had put me in touch with her would also lead me to give extra consideration to her case, mainly out of consideration for Stacie's help. This aspect shows how other whistleblowers can be seen as source of authority on the topic (Kenny and Van Portfliet, 2016). Nevertheless, I started to question which credit I should give to their narratives, whether I should classify their stories as whistleblowing cases, and what the conditions of acceptance should be. Two specific interrelated aspects came into play in this discussion.

The promptness with which narrators identified themselves as whistleblowers

I met Robert because he had identified himself as a whistleblower and I was looking for such cases at the time. On the other hand, I met Isabel because she had been recommended by someone I had immediately qualified as a whistleblower (Stacie). However, discussion of the term itself aroused doubts regarding whether to 'buy' Isabel's or Robert's stories as whistleblowing cases.

Of all the whistleblowers I met for my doctoral research (seven people), Robert and Isabel were the fastest to label themselves as 'whistleblowers'. They were also the most comfortable with this label. Conversely, Stacie was more sceptical about the term. She said, for example, that she preferred to be called an 'insider', rather than a whistleblower, as if she were not at ease with the label.

Another aspect that fuelled doubts was the fact that Isabel regularly referred to Stacie's case, comparing her own experience with Stacie's. Isabel, for example stated that 'When I was told about Stacie's story I thought, it's like me, I'm the next one [whistleblower]'. She also hinted that, as a whistleblower, she was being contacted for advice from other potential whistleblowers. In other words, Isabel was totally at ease with using the word 'whistleblower' while I was increasingly doubtful and perplexed about 'who was or could be a whistleblower'. I remember wondering (admittedly with a touch of sarcasm) whether the less 'convincing' the interviewees' cases were, the more likely they were to promptly label themselves as 'whistleblowers', as if to add credence to their actions. In Stacie's case, where the accusations were 'immediately' credible (and astonishing), she did not 'need' to be labelled as a 'whistleblower', and we did not discuss that aspect to any great extent during our encounters, because what she had to tell was convincing enough to speak for itself.

In Robert's case, when he discussed the practices he was trying to unveil, I felt his discourse was not clear. I had trouble understanding exactly what the fraud

related to and started to think that he may have taken a risky bet, perhaps in a legal grey zone, and that he had lost. Furthermore, his story was more than fifteen years old, which failed to attract my interest. More importantly, the 'public interest' argument, whose importance I discuss below, was hardly put forward.

The personal agenda of the recipient

According to the European Council, 'any person who reports within an organisation or to an outside authority or discloses to the general public information on a threat or harm to the public interest in the context of their work based relationship, whether in the public or private sector' can be defined as a whistleblower (European Parliament, 2018). Robert and Isabel would both fit the common extended definition of a whistleblower, even if Robert was 'just' a client of the bank. Why, then, did I dismiss their stories as whistleblowing cases? As a PhD student at the time, I was looking for more cases in order to meet the standards of case analysis research (Eisenhardt, 1989). I also felt that I was not *legitimate* to (dis)credit who was or was not eligible to qualify him/herself as a whistleblower. This situation left me with the uncomfortable feeling of having to qualify someone's painful narrative for instrumental purposes.

The ambiguity I felt towards Robert's narrative led me to question the other stories, in particular that of Isabel. In this case, the gravity of the fraud is not clearly presented. It is hard to evaluate clearly because of its technical nature. Either the fraud is not as serious as the others or Isabel has not succeeded in bringing it to public attention. It is hard to classify, and therefore, hard to re-explain after the interview.

Isabel's narrative had been the topic of two articles in media, one of which was the online version of an important French economic newspaper. I managed to reach the journalist who had written the article. On a reflexive note, I was obviously looking here for other instances of 'authority' to support the legitimisation choices I had made. To my surprise, the journalist was enthusiastic about Isabel's narrative, explaining the 'shocking' nature of the practices unveiled by Isabel. For her, there were no doubts and Isabel was, in her words, 'obviously a whistleblower'.

I also discussed Isabel's narrative with the person responsible for a well-known French NGO that promotes transparency and fights against financial abuse. As opposed to the journalist, this person dismissed the case, implying that Isabel's case stemmed from an 'interpersonal issue' between Isabel and her supervisor. Consequently, the NGO had refused to publicly take Isabel's side.

As highlighted by Isabel's narrative, different recipients (the researcher, the journalist, the NGO head, etc.) can easily express different opinions on whether the narrative is or is not a whistleblowing case. The question here is the extent to which the personal agenda of the recipient plays a role in framing 'legitimate' whistleblowing cases: the PhD scholar looking for more cases in order to fulfil methodological requirements; the financial investigative journalist in search of 'stories' to uncover; the NGO head seeking to protect the reputation of his/her association and to accurately allocate limited resources, and so on. I finally ended up 'keeping' Isabel's narrative in my data collection, as another important dimension came into play.

(Re)considering narratives through the 'general interest' lens

After the two discussions I had with the journalist and the NGO manager about Isabel's narrative, I gave hard thought to her narrative, trying to understand what Isabel was trying to unveil when 'blowing the whistle'. I also made that effort because I could see that she was deeply and honestly convinced about the fact that she was denouncing something important – the 'systematic under-evaluation of risks' could jeopardise the bank's financial health and ultimately, in principal, the national banking system. While searching for more information, I re-contextualised her experience into the broader picture of 'banks too big to fail' (Morgenson, 2016), an idiom that describes the belief that, in financial crises, national governments or the European Union are likely to prevent national banks, such as Isabel's, from going bankrupt, due to the large number of savers (individuals and businesses) that would be harmed as a result of their bank's failure.

Taken in the context of a 'broader picture' of 'banks too big to fail' (Morgenson, 2016), I was convinced that Isabel was trying to defend a cause she would call the 'general interest'. Based on this argument, and sharing her concern, I decided to keep the case in my data collection. As a reflexive note, I observe that the issue of banks being 'too big to fail' was also an issue I would be worried about. This personal standpoint informed me to 'keep' the case in the data collection and therefore, to give Isabel's narrative the status of 'whistleblowing's case'. This last argument also led me to dismiss Robert's narrative as I did not deem that the issue affected the 'general interest', as I personally conceive the notion. I develop below how the concept of 'general interest' appears as a critical, constructed category, to be further discussed in whistleblowing debates, for better understanding the conditions under which a recipient will label someone's narrative as a valid whistleblower case.

Discussion

This account of an empirical research experience reveals insights that contribute to the existing literature by investigating the relationship between whistleblowers and their extra-organisational recipients; in the present context, the researcher who listened to the whistleblower's story. I discuss three contributions. First of all, these insights question the extent to which some external recipients can contribute to a re-realisation of the whistleblower as a viable speaker within the public space. Secondly, these external recipients, such as the researcher, can offer the whistleblower a way to convey an effective political warning about a disturbing issue, in a context where whistleblowing is increasingly mediated through organisational devices. However, access to the status of 'whistleblower' depends on 'criteria' of acceptance that belong to the recipient and on which the whistleblower has little impact. These criteria may also evolve over time, signalling how 'unstable' the whistleblower's status is. I therefore underline the critical importance of the concept of the 'general interest' for future whistleblowing studies.

External whistleblowing as a re-realisation of the subject

Whistleblowers often face tremendous experiences and most of them face retaliation in their professional context (Cortina and Magley, 2003). They experience censorship and exclusion. Most whistleblowers are de-realised when telling their story and denied the status of viable organisational subjects for telling an 'impossible' truth within organisational norms (Kenny, 2018). In cases 1 and 3 of this study, both Stacie and Isabel were made redundant in 'brutal' conditions, after experiencing – for Stacie especially – years of moral harassment due to the claims she made. When employees continue to blow the whistle outside of the organisation, they are likely to be in search of moral and identity 'repair' (Mansbach, 2009). The first contribution of this empirical research is to show how non-organisational recipients, such as the researcher, can give (or deny) former organisational subjects the opportunity to re-realise themselves as they ultimately have the power to give (or prevent) them the access to the status of 'whistleblower', i.e. a legitimate status as a social subject. When recipients are convinced by the whistleblower's story, the whistleblower is able to access recognition, not only as subject, but also as intelligible speaker in the public space. Their story is deemed valuable, with the whistleblower ultimately being compared to a parrhesiast (Weiskopf and Tobias-Miersch, 2016), in other words a courageous character who dares to speak the truth to those in power or a truth-teller (Willmott and Weiskopf, 2013).

The very act of sharing allegations with external recipients allows the subject to escape organisational 'walls' and thus norms. Interestingly, one could argue here that the subject being un-realised by organisational norms (Kenny, 2018), while re-realised by social and ethical norms, produces a shift in the dominant norms of reference: the organisational subject is constituted by adopting and abiding by the dominant organisational norms, therefore confirming dominant discourses as being valid and important in the organisational context. The whistleblower is formed by being recognised by external organisational instances, such as the legal authorities, the media, NGOs, members of the academic community acting as a knowledge space, or public society. As Kenny (2018: 1042) notes, 'these dynamics involved chaotic reconstructions of subject positions in relation to shifting boundaries that delineated valid subjecthood, along with an active reproduction of these boundaries'. The whistleblower becomes a public subject, a change that can conflict with his/her former organisational identity or been appraised as a disavowal. In embracing a position of public locator, the whistleblower takes part in diminishing the power of organisational norms to produce valid subjects and discourses and reinforces the power of alternative bodies, such as the media or the legal authorities. It diminishes the prevalence of organisational structures to produce valid subjective beings. In other words, when subjects endorse the whistleblower's role, even against their will, they take part in mitigating the social lure and importance of the organisational social status. As former employees, the existence of whistleblowers expresses the need for 'ethical' subjects, in a context of pervasive managerial hegemony (Spicer and Böhm, 2007).

External recipients as potential allies for 'caffeinated' whistleblowing

Whistleblowing has been compared to 'caffeinated resistance', in other words a kind of resistance that changes 'something', as opposed to 'decaf resistance' or microforms of resistance that change 'very little' (Contu, 2008). In this perspective, whistleblowing must be understood as a disruptive practice, the kind that breaks through a moral status quo. However, some authors have recently noticed how whistleblowing is becoming an increasingly 'institutionalised' practice, namely a practice that is mediated through different organisational devices (Vandekerckhove and Langenberg, 2012; Vandekerckhove and Tsahuridu, 2010; Weiskopf and Tobias-Miersch, 2016). Such institutionalisation leads to frame in advance the kind of whistleblowing that is accepted and legitimate, while possibly limiting the range of possibilities or prescribing the kind of practices that can be unveiled (Teo and Caspersz, 2011). In the first case, Stacie had sought to address up to fourteen organisational interlocutors (middle and top managers, HR, trade unions, internal committees, compliance department, and so on) prior to contacting an external audience, namely a lawyer.

It is possible here that the institutionalisation of whistleblowing may lead to 'decaf whistleblowing', i.e. non-critical forms of whistleblowing, whereas addressing external recipients might be a way to escape this institutionalisation. Speaking truth to power is an 'interactive game' which involves risk-taking for the parrhesiast; but also the 'courage of the listener in accepting being told an uncomfortable truth' (Weiskopf and Tobias-Miersch, 2016: 1631). Some external recipients, such as NGOs, lawyers, the legal authorities or the media could be seen as potential allies for ensuring that whistleblowing processes conserve their inner critical and political stances, which cannot be 'organised' in advance by compliance departments.

'Whistleblower': An unstable status

The asymmetrical positions of power between whistleblowers and their recipients has been noted (Contu, 2014) and one could also add that access to the legitimate status of 'whistleblower' is 'unstable', with it never being fully 'attained'. As Kenny notices:

> One comes into being as a subject only through achieving recognition in the terms of the dominant discourses, albeit 'that recognition can never fully be attained because of the inescapable instability within the normative structures that produce us as subjects'. (2018: 1027)

In Case 3, the NGO manager I quote does not consider Isabel to be a whistleblower and denies her the right to call herself as such. However, another instance of power (the journalist) gives credit to her action, contributing, as part of the media to shaping public opinion on the matter (Happer et al., 2013). Here also, I could argue that the journalist, having written a press article on Isabel's narrative, is not likely to have had any 'interest' in refusing her the status of 'whistleblower'. Different recipients are therefore likely to have different expectations of who 'is' and 'should be' a 'whistleblower' and these expectations can evolve over time, showing how the whistleblower is constantly negotiating, through his/her dialogue, his/her legitimacy to be heard. For Case 2, which I dismissed, it is possible that another researcher or recipient with more time or additional investigative resources would have considered Robert's narrative to be a legitimate 'whistleblowing case'. Further studies could underline the power and responsibility recipients have over whistleblowers when they listen to their narratives: researchers who decide to accept or to dismiss a case (as I chose to do for Robert's narrative); the media that highlight one story and leave another one in the shadows and for what reasons, etc.

The critical importance of the 'general interest' for whistleblowing debates

Recalling how I classified Isabel's story as a 'valid' whistleblowing case led me to consider the critical importance of the concept of the 'general interest' for whistleblowing studies. When the concept of the 'general interest' is stated in the literature, it is to qualify the practices that can be unveiled, that can be illegal, immoral or 'illegitimate' (Miceli et al., 2008). The whistleblowing act is partly defined by this dimension, and is supposed to be performed 'in the public interest' (Chambers, 1995). However this concept is rarely defined *per se*. This lack of conceptualisation leads to theoretical issues: are the 'general interest' and the 'public good' the same? Who is included (or excluded) from the 'public' and the 'general'?

Secondly, in the existing literature, it seems that the concept of 'public interest', when it is explicitly stated, is framed through the sole perspective of the 'motives' of the whistleblower, which should preferably be virtuous. The 'public interest' is therefore mentioned as one of the motives in whistleblowing cases: the whistleblower either acts for 'personal motives' or for the 'general interest' and mitigated options are rarely adopted, such as cases where whistleblowers take advantage of revelations made in the 'public interest' (for example Bradley Birkenfeld, in the American case for UBS: as a former banker actively involved in the tax evasion system set up by his former employer, Bradley Birkenfeld was jailed for 40 months; but he was also rewarded $106 million for helping the IRS to uncover the bribery; see Browning, 2009).

Why do we need to define the exact concept of the 'general interest' with respect to 'whistleblowing episodes'? The question is crucial, in my opinion, since the 'general interest' is a political concept, in the sense that it governs the smooth functioning of the routine actions, expectations, and modus operandi that reproduce social (and organisational) relations (Contu, 2014). The concept of so-called 'general interest' cannot be understood outside of structures of power that shapes and defines it. Who decides what is the 'general interest' and how? To what extent 'the general interest' is a shared knowledge between governments and civil societies and, by extension, to other mediators of whistleblowing? So far in the existing literature, the 'general interest' appears as a given and undisputed homogeneous concept. However, one could also defend that the 'general interest' is a political category that is likely to be historically, culturally and geographically constructed, dynamic and also subjectively interpreted, as my experience as a whistleblower's recipient and 'assessor' of whistleblower's discourses shows. Other recipients, from other cultural backgrounds, or standing from other positions of power could likely assess otherwise, reflecting the need for interrogating the ethico-politics of recipients and audiences in whistleblowing cases (Heinrichs et al., 2018). As Heinrichs et al. (2018: 2) have noted, such recipients might 'represent sources of support for whistleblowers, but might also

lead to their enmeshment in dynamics of power and domination even beyond the context of the organisation in which they have blown the whistle'.

As Contu recalls, although we have recently seen a 'legitimisation thesis' where whistleblowers are looked upon more empathically and less cautiously than in the past, there remains a lack of conceptualisation in terms of which political practices the 'whistleblower' is *allowed* to disturb:

> The legitimization thesis has a silenced political undertone, which repeats a conservative stance by predicating what good is ... However, given the inequalities, injustices, and waste our global system perpetuates, something that is designed to perpetuate it may not be such a desirable thing after all. (Contu, 2014: 401)

For example, does the act of preventing multinational companies from engaging in tax evasion form part of the defence of the public interest? One could argue that conflicting arguments exist on the matter, which calls into question whether tax evasion whistleblowers can actually be labelled as whistleblowers. In the specific case of Isabel, because I believe that banks that are considered 'too big to fail' are likely to engage in risky management practices, I deemed her narrative to be a whistleblowing case. In other words, because I believe that banks that are 'too big to fail' are likely to harm the 'general interest', as I conceive it, I classified Isabel's narrative as a whistleblowing case. Investigating the local, historical and social conditions under which the concept of the 'general interest' is constructed would be of further use for whistleblowing studies, to understand more precisely the kind of practices that may possibly be unveiled as whistleblowing. To understand what recipients consider to be the 'general interest'; and to underline how recipients are likely to have different appraisals of what is the 'general interest' and therefore what can be defended in the name of it, depending on contextual aspects, such as their positions of power, interests or agenda would lead to a better comprehension of the kinds of discourses that can be considered as viable whistleblowing speeches.

Conclusion

While some authors from organisation studies have called for the whistleblowing process to be examined within a relational, discursive and political context (Heinrichs et al., 2018), few studies to date explore the relationships between the whistleblower and those who listen to his/her claims, especially recipients external to the organisation (Contu, 2014; Vandekerckhove and Langenberg, 2012). This makes it difficult to obtain a rich understanding of the whistleblowing process, especially the way individuals raise the awareness of an extra-organisational audience on ethical issues they encounter in professional

contexts. Nonetheless, in this article I argue that certain external recipients can play a key role in helping the whistleblower to convey her/his message: first of all, individuals are re-realised as viable subjects when they are recognised as whistleblowers by recipients. Being deemed a whistleblower by an external audience appears to function as a kind of 'moral repair' when the individual has been denied recognition as an organisational subject for raising uncomfortable issues. Secondly, some external recipients can help (or not!) convey the political charge contained in the whistleblowing process, which could not have been unveiled in an organisational context where there is organisational mediation of whistleblowing attempts. Lastly, as I argue, understanding external recipients' expectations of 'what whistleblowing is' is crucial for a better comprehension of which ethical status quo a recipient of whistleblowing narratives is prepared to see 'potentially disrupted'. In this article, I analyse how the notion of 'banks too big to fail' was potentially harmful for the 'general interest' as I conceive it and how this therefore has led me, as an external recipient, to classify an attempt to denounce related practices as legitimate 'whistleblowing'. Would other recipients have evaluated the case differently? Future research on the relational aspects of whistleblowing could consider investigating the criteria for 'legitimate' whistleblowing from the point of view of other external recipients (journalists or NGO managers, for example) i.e., critically-reflexively address issues such as power and responsibility of recipients/researchers. Adopting a research perspective focusing on the 'conditions of reception' of whistleblowing narratives, as opposed to a path aiming to elaborate on the individual dimensions of whistleblowing, could reinforce the political charge of whistleblowing by focusing on *what can be heard* instead of who is saying it or why it is said.

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Naming and shaming or 'speaking truth to power'? On the ambivalences of the Indian 'list of sexual harassers in academia' (LoSHA)

Sara Morais dos Santos Bruss

abstract

This paper analyzes the appearance and circulation of an anonymously crowd-sourced list of names of alleged sexual harassers in Indian left-wing academia (referred to as LoSHA). Publicized by former law student Raya Sarkar, LoSHA has led to widespread discussions on feminist strategies of exposing sexual violence and is said to have divided feminists across the country. Instead of assessing the magnitude of the problem of sexual violence, discussions centred more on the ethics of the list and its aim to 'name and shame'. The paper attempts to answer the question, whether there is legitimacy in what has mostly been dismissed as 'naming and shaming' through the lens of Michel Foucault's concept of *parrhesia*. Understanding Sarkar as a whistleblower and LoSHA as an act of *parrhesia* situates the moment within the *agora* of a transnational feminist *#metoo* movement just as it allows for a reading of LoSHA as an attempt to alter the 'truth games' within the organization of Indian academia. Through this framework, LoSHA becomes a way of addressing ubiquitous cultures of sexual violence, for which there seems to be a lack of language.

Introduction

In the wake of the Harvey Weinstein takedown and the following popularity of the *#metoo* campaign, numerous women*[1] have spoken up, sharing their

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1   The asterisk behind gendered ascriptions refers to umbrella terms, which may include those normatively excluded from these terms. In this sense, women* (with the asterisk) includes not only those with biologically female genders, but broadens the term, to include queer perspectives and voices. Here, this acknowledges that,

experiences of sexual harassment in the workplace (Davis and Zarkov, 2018; Khomami, 2017). Increasingly, this has also taken on the form of popular listicles – lists that point out certain items or names to be circulated within the digital. One example is the 'Shitty Media Men' list, which anonymously called out specific names as men who work in the liberal left wing media metropolis of New York, but whose political and intellectual work does not translate into their personal politics, men who have trespassed against co-workers on a sexual basis of some form (Quinlan, 2018). These lists have also travelled to more mundane circles, where writers such as Christine Fair (2017) have named and asked to name harassers in academia. The Internet has been a catapulting factor, connecting discourses across the globe and allowing for forms of exposure and accusations to travel, giving testimony to the vast and transnational extent of sexualized harassment and violence.

Particularly in response to the Harvey Weinstein affair, Rose McGowan has been called a 'feminist whistleblowing badass' (Vincent, 2017) as one of the first people to go public with her accusations. This is the first time that the two notions, 'feminism' and 'whistleblowing', have come together to resonate within a transnational audience in such a prominent way. What is there to gain from such ascriptions, or rather: why were they not put together before? Is it possible for feminists to be whistleblowers when the accused is not ruthless like Weinstein, or when the accusees are not white Americans earning superstar salaries? Or are lists naming harassers nothing more but vapid strategies of shaming so inherent to the digital? The following article aims to analyze such lists as a modality of blowing the whistle on pervasive cultures of sexual violence within the organizational infrastructures of academia. It will do so through a specific moment in the South Asian *#metoo* movement, the leaking of Raya Sarkar's List of Sexual Harassment in Academia (LoSHA) – or the 'List of Naming and Shaming', as critics have referred to it. Although at first whistleblowing – much like *#metoo* – seems to be a phenomenon of the West, digital infrastructures allow for a transnationalization of activism, which makes forms such as the LoSHA list travel within online spaces that have little regard for copyright or origin stories (Nayar, 2010). Nonetheless, the 'global' character of the list has also been a vulnerable point, as its 'globality' became a point of critique within the public discourse of the largest post-colony.

The article sets out to analyze the form of institutionalized critique these lists have to offer, and how such lists can be framed as a *parrhesiastic* 'speaking truth to power' (Foucault, 2001). I want to contextualize the resistance to seeing

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while a large majority of those speaking out were women, not all confessions necessarily came from heterosexual perspectives or cis-gendered voices.

LoSHA as 'truth' by discussing the ethical tightrope walk that is an inherent part of whistleblowing (e.g. Nayar, 2010), so as to reframe the supposed lack of nuance within LoSHA as a *parrhesiastic* critique of pervasive cultures of sexual violence. Assessing Sarkar's list along the delineations of whistleblowing, and connecting it to Michel Foucault's notion of *parrhesia,* or 'speaking truth to power' (Foucault, 2001), will help to categorize the list as institutional critique and contextualize some of the discomfort that overshadowed the political drive of India's most prominent *#metoo* moment. More so, it will validate LoSHA's argument as an infrastructural one, where the power that the list speaks truth to never resides only in individuals, but is 'everywhere' and embodied in 'games of truth' (Foucault, 1997) that are genealogical and therefore not rigidly unchangeable. Through the concept of *parrhesia*, LoSHA can be read beyond a framework of 'naming and shaming' and as a form of critique that sets out to engage and alter the local contexts of Indian academia precisely through connecting to international discourses such as *#metoo*. Rather than assessing whether names being put on the list are justified, *parrhesia* allows for it to be read as testimony to cultures of violence that have allowed for such contents to stay an open secret, while women's* voices are reduced to whispers and gossip.

The paper will first engage with the way *#metoo* has travelled and found urgency within the Indian context. This lays down the basis for an understanding of the way such movements travel across national boundaries, but are adapted to and confronted with situated and specific terms within each context. In a second step, the article proceeds to differentiate between whistleblowing and *parrhesia*, proceeding to then explore the concept of a digital and networked *parrhesia*. This latter concept will then go on to serve as an entry point into the analysis of LoSHA as *parrhesia*, where I discuss the potentials of the preceding theoretical work through the example of the leaked LoSHA list and its consequences. To explore the reactions to such digital forms of *parrhesia* in other contexts, I draw on a second example, which has also been read in line with the theoretical work presented here. Juxtaposing the much discussed WikiLeaks disclosures as a prime incident of whistleblowing with the LoSHA accusations, the article then turns to question the terms and conditions which allow for a person to be recognized as a whistleblower/*parrhesiastes* and hence be considered worthy of protection.

No country for #metoo?

In a country, where only a quarter of its population are going online on a regular basis, the virality of *#metoo* did not catch on with as much vehemence at first, as it did in the West. While Bollywood and the Telugu film industry had begun to

be scrutinized under aspects of institutionalized sexism and harassment, the hashtag did not immediately wash over into more mundane circles with the same compelling omnipresence it demanded elsewhere. As most Indian women do not have private nor regular access to digital and social media, it was mainly the well-educated computer or smartphone owning (and predominantly English-speaking) upper- and middle-class urban minority that was able to take part in the mass disclosures. LoSHA may have been the first incident identified to be directly in line with *#metoo,* as it was rumored to be an immediate response to an article by Christine Fair, which was deleted off of the Huffington Post website (Chadha, 2017). The controversial article named a renowned Indian academic as one of many sexual predators that led to Fair leaving academia (Fair, 2017). Poignantly titled *#HimToo – a reckoning,* the piece seemed to follow a thrust already present within then budding *#metoo* conversations – that it was time to turn to the perpetrators instead of constructing women as passive victims of crimes without origin. About a year later, in late 2018, *#metoo* has flared up again in India and at the time of writing the hashtag has become a central node around which feminist discussion and action is now organizing – feminist sexual health activists, legal advisors and social media users are now all including *#metoo* and even LoSHA in their work.

Even as there seems to be a 'belated' arrival of *#metoo* in the country, LoSHA is not a singular or even the first event within India that marks what is now often referred to as digital feminism. Long before *#metoo* went viral in the West, a number of feminist groups were using social media and digital infrastructures to speak out. *Blank Noise* has been constantly looking for new ways to say '#INeverAskForIt' by telling stories and posting photos online in a virtual 'slut walk'. *Pinjra Tod* hopes to break down sexist hostel rules at universities by gathering students and disseminating information via *Instagram*. The viral *Kiss of love* campaign protested against the policing of interfaith relationships by publishing pictures of couples kissing in public online. There is a history of digital feminism in India, which has been asking for more nuanced and more diverse conversations on sexual violence for over a decade. All of these protests seem to be speaking their 'truths' into the supposedly vapid infrastructures of social media, and have been linked to *#metoo* after the fact (Kurian, 2018). However, the disclosures of *#metoo* and of LoSHA in particular seem to go beyond these activist measures of consciousness raising. Contextualized through literature on whistleblowing, the list becomes the infrastructure for institutional critique, involving *parrhesiastic* forms of 'truth-telling'. In this frame, its aim becomes nothing less than to change the 'game of truth' within the institutional infrastructures of the university (cf. Weiskopf and Tobias-Miersch, 2016). Through the logics of *parrhesia,* LoSHA addresses both the local university institutions, critiquing the way they have failed (especially Dalit and especially

non-male) students, as well as a global public space within which the names on the list, but also structural gendered violence can still freely proliferate.

Whistleblowing and *parrhesia*

Whistleblowing and *parrhesia* have been invoked almost interchangeably above, but this is not to say that the concepts simply translate into each other. Following Weiskopf and Tobias-Miersch (2016), I understand *parrhesia* as a possible, but not necessary part of whistleblowing, and whistleblowing as an organizational form of critique within institutionalized contexts (*ibid.*). Michel Foucault, who has analyzed the role of *parrhesia* in ancient Greece, identifies it as 'fearless speech' (Foucault, 2001), where the *parrhesiastes* speaks their truth before a political assembly, at the speaker's own peril. Foucault understands the *parrhesia* as a 'truth-teller', exploring truth as societal critique that exposes hushed secrets, which are detrimental to society (*ibid.*). The subject is not forced to expose such truth, but does so out of their free will and with full conscience of the danger involved in doing so.

Similarly, the whistleblower is described as an ethical figure that often acts alone and out of moral conscience, which is why institutions founded to protect whistleblowers offer infrastructural support to potential and actual whistleblowers (Weiskopf and Tobias-Miersch, 2016). India received its own Whistleblowers Protection Act in 2011, under which future leakers might receive protection, or could find validation, should incidents such as LoSHA be understood as whistleblowing in future. Through the act, whistleblowers can theoretically be provided with adequate safeguards against victimization and harassment, however, it has been said that in reality, these forms of protection are not easily fulfilled. While contemporary forms of whistleblowing are seen with more ambivalence than the noble *parrhesia* of ancient Greece, the *parrhesiastic* quality of whistleblowing is present when it allows for 'a modification or reinvention of truth-telling in the particular context of modern organizations, where truth-telling is linked to modern forms of governmentality and related to formal obligations associated with membership in organizations' (*ibid.*: 1626).

Like whistleblowing, *parrhesia* does not describe the articulation of an incontestable or absolute truth, but rather produces truth as a relational category that sets itself apart from what is generally believed within a certain context and for what is believed to be the 'greater good' (Foucault, 2001). Moreover, *parrhesia* is involved in changing the narrative of what is deemed to be true, how this truth comes about and how it is dealt with. While Foucault identifies several layers of

'speaking truth to power', more recent literature has attempted to contextualize *parrhesia* within digital terms, as online mass disclosures such as the infamous WikiLeaks case have altered the dimensions of outreach and control over 'truth' and eradicated the notion of a singular truth-teller (Munro, 2017). Following Munro and Nayar, I want to therefore suggest reading LoSHA as an instance of 'digital' (Nayar, 2010) and 'networked' (Munro, 2017) *parrhesia*. In both of these readings, *parrhesia* involves the attempt to alter the 'set of rules by which truth is produced', what Foucault calls 'truth games' (Foucault, 1997), and can be considered a form of critique, not only on a content level, but as infrastructural critique that also disrupts the way things are done on a networked and organizational scale. When whistleblowing is *parrhesiastic,* it then not only critiques the working ways of an organizational context, but disrupts the status quo in a way that the entire regimes of what was known and how things are done are put to question. Hence, both authors understand the distinct quality of a digital or networked *parrhesia* to lie not only within speaking truth, but also in altering the forms in which truth can be spoken, without the necessity of a singular truth-teller (Munro, 2017; Nayar, 2010). Digital infrastructures have created the possibility for a new politics of truth that affects a 'globalization of conscience' (Nayar, 2010: 28), which allows for categories of and discourse on injustice to travel and function across location. In this way, the transnational quality of the *#metoo* movement is vital to an understanding of LoSHA's valence and credibility. In addition, the networked quality of this *parrhesia* serves to 'reduce the risk for others to speak truth to power', as networked times allow for a more relational approach to truth-telling (Munro, 2017: 529).

LoSHA has pointed to the extent and ephemerality of occasions of gendered violence too subtle to handle through existing processes of natural justice, disrupting the possibility of conducting 'business as usual' and inserting the local problematic into a global movement. Speaking 'from below' to a condition of power that is 'above' them (cf. Foucault, 2001: 17), the subjects revealing these truths are therefore vulnerable to repercussions by those they are criticizing. In this way, they speak from a position of utmost precarity, which, according to Foucault, underlines the truth-value of the condition they speak of:

> ...if there is a kind of "proof" of the sincerity of the *parrhesiastes*, it is his [sic] courage. The fact that a speaker says something dangerous – different from what the majority believes – is a strong indication that he is a *parrhesiastes*. ... do not use brackets in such instances, just three dots – check throughout *Parrhesia*, then, is linked to courage in the face of danger: it demands the courage to speak the truth in spite of some danger. (2001: 15)

While whistleblowing is tied to the subject that tells truth, I invoke *parrhesia* here to include LoSHA as an 'infrastructure' of truth-telling (Munro, 2017).

Understood in this way, it then provides a networked quality to truth-telling, where the risk is considerably reduced for other truth-tellers behind the crowd-sourced list, as they may remain anonymous. As Sarkar is the leaker and hence the proxy of the list, they[2] can be understood in terms of the figure of the whistleblower. *Parrhesia*, however, extends the notion of 'truth' to include the regimes and decisions on the way things are done beyond individuals and on a structural level. In case of the quote above, the way critique and resistance is formulated can hence be telling of whether the speaker is sincerely speaking their 'truth', but the infrastructural notion of a digital or networked *parrhesia* suggests that there is more at stake than the mere content of the leaked information. If we assume *parrhesia* to be inserting a gap into the dominant narrative, its manifestation also simultaneously produces the risk of its eradication (Nayar, 2010). This means that it is the infrastructure of truth telling itself, produced through *parrhesia*, which is simultaneously at risk through the same speech-act that it is brought forth in, because of *parrhesia's* destabilizing effect.

LoSHA's 'game of truth'

LoSHA was first posted on Facebook, naming around 70 renowned South-Asian academics as perpetrators of sexual misconduct in varying degrees. The list was formatted into a Google Doc spreadsheet, with information varying widely with regards to the number of allegations, descriptions of alleged violations and resolutions undertaken. Often, names of alleged perpetrators were produced as almost standalones, with not much more than the number of alleged accusers to their name. Sarkar, who revealed themself to be the proxy administering the list, stated that they had proof of every incident and only included listings by trustworthy and/or verifiable sources and repeated first person accounts, thereby following what could be called an unwritten rule of feminism to always first believe the victim who reports assault. While Sarkar kept all third-party information, such as messages, emails and screenshots private, they shared some incidents regarding Sarkar themself on their Facebook profile, possibly, to gain credibility, without harming those who wanted to remain anonymous. They stated that other information was kept confidential to protect victims, who feared being identifiable through the circumstances of their harassment – subsequent to which they would be vulnerable to further harassment and pressure to retract their statements (Shankar and Sarkar, 2017). I read these partial revelations as an attempt to set new rules for the 'game of truth' that the *parrhesiastic* act is trying to alter, as Sarkar was willing to give up some context – involving the self and

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2   Sarkar prefers indefinite pronouns and refers to themself as 'they'.

their own vulnerability – in order to protect the other anonymous contributors. In this way, even though Sarkar does not only speak *their* truth, as the *parrhesia* of ancient Greece would have, the infrastructural quality of networked or digital *parrhesia* suggests a collective truth game (Nayar, 2010: 29). Anonymity for the victims alleviated the fear of facing repercussions at work, at the time of posting and in future. As the contributors were said to be mostly students just starting out in their academic careers, Sarkar argued that there needed to be a system of trust to allow for disclosures to happen without repercussions. Entrusting Sarkar to tell their stories without exposing their identities was therefore not a volatile exercise; a fact, which Sarkar claimed to be enough to give LoSHA the needed weight and urgency (Shankar and Sarkar, 2017). Its constitution as a digital object released on Facebook made the list into a viral sensation, easy to share and almost impossible to ignore, with political voices across the spectrum feeling the need to comment and position themselves as either ally or adversary to Sarkar and LoSHA.

As is often the case with social media, resistance towards what was considered to be 'naming and shaming' was almost immediate. Perhaps surprisingly, vehement critique came especially from those feminists who had fought over decades for better mechanisms of denouncing and prosecuting sexual harassment. Dominantly, there seemed to be the worry that LoSHA would dismantle precisely these mechanisms, instead of working at improving them, as a statement written by Nivedita Menon and signed by 11 other prominent feminists explained (Menon, 2017a). The statement suggested there could be flaws in evaluating certain cases as harassment; unfair accusations could be made against innocents, since lack of proof made it impossible for outsiders to evaluate the circumstances, even more so, as often the incidents themselves were not disclosed in detail. The way LoSHA was set up, the statement argued, led to different degrees of harassment to be lumped together without nuance, as descriptions and resolutions were left blank – even for people already found guilty of severe misconduct through institutional mechanisms. Feminists and leftist intellectuals saw the danger of enabling right-wing conservatives in their claim 'that all anti-nationals are sexual predators' (*ibid.*). Critics also questioned the anonymity of contributors, the lack of context, as well as the format – being put up on Facebook through Sarkar, who was now acting as a proxy and had sole editing power. The digitality of the object seemed to open the gates for an Internet culture which knows only trolling and shame, is flippant in its judgment and produces no real way to move forward politically.

Fearless speech

These responses illustrate the difficulties the supposedly globalizing effects of consciousness such digital movements may have. LoSHA could only appear, because of a globalized moment invoked through *#metoo*, which altered the discursive possibilities for communication on sexual harassment. As the movement was less present in an Indian context, this reference to a transnational *agora* verified the fragility of belonging inherent to such hybrid hashtag publics. After Sarkar took accountability for the list, they received rape and death threats, anonymously solicited via Social Media (Firstpost Staff, 2017). Troublesome inspections into Sarkar's personal life were undertaken, to suggest that they might not be Indian, not Dalit, and had relocated to California, meaning that their status was one of an outsider, unfamiliar with the context, and, above all, with considerably more privilege than most Indian feminists (Chachra, 2017). Inconsistencies in Sarkar's statements were pointed out and it was claimed several times that they were 'mentally unwell', both by those for and against the list (cf. Firstpost Staff, 2017; John, 2018; comments on Menon, 2017b).

In literature on the topic, the attempt to marginalize whistleblowers, frame them as outsiders to the subject of critique, or question their moral and emotional capacity has been referred to as the 'nuts and sluts' strategy (Alford, 2002), where whistleblowers are made out to be mentally ill, unstable and morally questionable. This framing of Sarkar as an outsider can be read as an intricate way of supposing that they may not know what they were talking about:

> ...discipline works through diagnosis. ... Sometimes diagnosis is bureaucratic. 'That is not your department and hence not your proper concern'. (Alford, 2002: 106)

As the circle of critics consisted mostly of feminists, there was little in the way of framing Sarkar as hypersexual or promiscuous – the 'sluts' part of the strategy, which is always gendered female (Alford, 2002). However, critique took on a paternalistic and dismissive tone, implying that Sarkar and LoSHA supporters had simply not understood feminism correctly and probably did not care enough to go beyond 'finger tip activism' (Menon, 2018). This implies that the Internet is there to vent, and lean back before actual work has been done – a mirror of the moral panic around 'slacktivism' that accompanied the encomia of so-called twitter- and Facebook revolutions in the years before. Such critique of using digital infrastructures is dubious at least, not only because of the yearlong presence of digital feminisms mentioned initially.

While, indeed, it is possible to see lists themselves as networks, as they draw things together and separate these selected things from the rest of informational

infrastructure (Young, 2013) they can certainly be considered spawn of the digital. In this case, however, the critique that the digital lacks context is highly gendered and lack of context could also be a charge the alleged sexual harassers are required to face as they formulate their defense. Not doing so again reveals an unspoken bias that constructs embodied masculinity to go unquestioned, while femininity is sanctioned when it moves beyond its normative frame.

Truth from below

The Internet has become a space that offers opportunities especially for Dalits to speak out, organize, and connect across locations (Nayar, 2011). Speaking as a Dalit and Anti-Caste activist, Sarkar, as well as others, responded to critiques of the list by pointing out that no one would have a problem naming and shaming *Uber* drivers, rickshaw pullers or shopkeepers, who would typically be of lower castes (Gupta and Dangwal, 2017). 'Dalit' is the title given to those formerly known as 'untouchable' and below/outside of the caste system in India. While caste-discrimination has been outlawed for decades and affirmative actions have been put in place for scheduled caste and indigenous – 'tribal' – persons (also summarized under the collective term 'avarna'), these still face increased backlash and real-life discrimination in all areas of work and life. Avarna members of Indian society can generally expect judicial mechanisms to not work in their favor, all the more so if the opposing party consists of members of the upper castes, or 'savarnas', while simultaneously being most prone to becoming victims of crimes that require such forms of redressal (Patil, 2014; Rege, 1998). The pivotal point to LoSHA was precisely that it was not accusing defenseless or poor populations, but high-profile academics with well-paying jobs and institutional backing, some trained in law or well-connected enough to face the claims head on, should any legal action be taken.

The atmosphere of partition, of all or nothing dualisms was amplified by a wave of articles covering the event. On the one side, Sarkar and their supporters were turned into a monolith of younger and inexperienced 'fingertip activists' (Menon, 2018), LoSHA was paralleled with Kafkaesque trials, even a Gulag, where no one knew the charges, with knee jerk reactions and lacking regard and respect for the legacies younger feminists had inherited (Menon, 2017b) Sarkar was accused of ignoring infrastructures that feminists had taken decades of hard work to build and replacing them with vigilantism and revenge. This despite the fact that there had never been feminist unity and even now, the divide was not generational, for there were young feminists opposing the list, just as older feminists were speaking out in its favor. The digital object, made for circulation, was able to have a reach beyond Sarkar's own circle of friends, and, in its public form, could

address young students, even if they were not within the arguably elite group that initiated the event. According to Sarkar, it was also what allowed for them to speak from the relative safety of a position 'outside' of the context. Attempts to name perpetrators on a large scale were also nothing new and had been implemented in India to effect a reversal of the burden of proof from victim to perpetrator as far back as the 1980s (Bhandaram, 2017).

On the other hand, those opposed to LoSHA became patronizing 'auntie-feminists' (Das, 2017), who were old-fashioned and conservatively fetishized state mechanisms (cf. Menon, 2017b; especially in the comment section). These voices continuously insisted that due process was not an option, as these infrastructures had been largely inaccessible and had failed especially Ambedkarites (those who reject Hinduism and the caste system) and avarnas in the past, and would continue to do so (Kappal, 2017; The Ladies Finger, 2018). For many, the Internal Complaints Committees (ICC) and Gender Sensitization Committees Against Sexual Harassment (GSCASH) at Indian Universities have more potential than filing a police report. Still, they mostly do not include representatives from all marginalized communities and create a heterosexual and upper caste matrix, putting avarnas at a disadvantage. Taking into consideration a dominant discriminatory stereotype, which frames Dalits as hypersexual and constantly available, especially to upper castes (Paik, 2014; Still, 2017), the question is, how sensitive these committees can really be. Furthermore, students experiencing discomfort with the actions of professors rarely report, especially when they do not evaluate the behavior as hard harassment (Das, 2017). Due process mechanisms are difficult enough to navigate as a student or person just starting out in their academic career, as accusations of false allegations, backlash by perpetrators or their peer groups and refusal to work with accusers in future are only some of the repercussions any person naming their assaulters may face. However, the perseverance of caste-discrimination, coupled with the preponderance of upper-caste women on gender sensitivity committees, makes the mechanisms of due process and natural justice almost inaccessible to everyone at the lower end of the social hierarchy (Gupta and Dangwal, 2017).

In this particular case, due to the relatively small circle of left-wing academics in India, the individuals on these committees were also bound to have personal relationships of some kind with those that now have had to withstand accusations on LoSHA, which suggests further conflict for those who would want to report. The question is, how valuable due process may have been at this point of the LoSHA revelations, how willing the committees might be to have a close look at one of their own, and how adequate the repercussions would be, should all of these steps even be taken. Validating LoSHA's claim is the instance of at least one of those named on the list having been found guilty through the due

process mechanisms of Ambedkar University in Delhi. However, at the time of writing, no repercussions have been laid upon him as Gender Sensitivity Committees mostly formulate mere suggestions and the accused has expressed intention to appeal, prolonging his declaration of innocence within ambivalent conditions. Under these circumstances, taking LoSHA seriously as *parrhesia* would not mean to propose it as an alternative to natural justice, but to suggest that it could exist in parallel for those with marginalized access to due process mechanisms, support their claims, or give voice to those wanting mere acknowledgement of trespasses against them.

The numerous flaws in processes of natural justice within Indian academia were not new revelations, and yet, they made for little lenience on the part of critics of LoSHA. In an unfortunate move, the statement by renowned feminists pejoratively explained that caste should not be relevant in these cases, sounding to some regrettably reminiscent of a caste-based version of 'all lives matter' (Menon, 2017b). Critics of the list have been unable to acknowledge the powerful status they hold as opposed to the younger and less well-connected accusers, claiming that their power is limited and referring to the various struggles they themselves have had to face in institutions, with colleagues and friends (Gopinathan, 2017). The statement produced on the feminist website *Kafila* unwittingly underlined the disparity between Dalits and Savarnas, between professors and students, between 'established feminists' and those just finding their bearings. While Savarnas had their own publishing space, the Dalit students had Facebook. While the *Kafila* statement could claim the support of 'the wider feminist community' (Menon, 2017a), Sarkar had to behave a certain way to receive it. While Savarna students could theoretically hide behind the anonymity of the list, it was a Dalit who became its proxy and faced its backlash. The resistance to LoSHA can be read as a resistance to its disruption of 'business as usual', it attests to LoSHA touching upon a 'truth', which radically alters the way the 'game of truth' is played.

As has been suggested it is easier to praise Sarkar's courage and celebrate their agency on an international plane, as it neatly fit into the global celebrations of *#metoo*. With Foucault, I read the hashtag to have created a global *agora* for this specific event of *parrhesia* to take place (Foucault, 2001; Nayar, 2011). Before the background of an international *#metoo* movement, the point is that, rather than promoting vigilantism, LoSHA addresses cultures of sexualized violence that are omnipresent even in mundane instances that are easily dismissed. Here, *parrhesia* is the act of speaking the uncomfortable truth – of sexism and misogyny in academia – and the *agora* is the public space in which certain truths come to light. In the case of LoSHA, it is an interconnected digital space that becomes a two-fold *agora*, responding both to the globalization of 'truth' on the

pervasiveness of sexual violence, and to the organizational infrastructure of Indian academia and how it is continuing to fail especially its lower caste and marginalized students. Arguably, LoSHA's position is different within each of the spaces, as is the possible outcome of the story – as the Indian intellectual left is in an increasingly precarious position as it is attacked by right wing Hindu-nationalists that make up a large and growing part of the Indian political scene.

Cultures of violence

In an attempt to contextualize the supposed lack of nuance that seemed to be LoSHA's biggest caveat, Sarkar provided a thought-provoking response on their Facebook page, which exemplifies the tension between the international *#metoo* movement, and local Indian practices:

> ...people are within their right to discredit the list and call it false despite mounting public testimonies from survivors but they may not harass any of us to reveal details for their own lascivious entertainment. Some folks claimed that it is unfair to clump all alleged harassers together because some of them may have harassed 'less' than the rest. Rape culture is when people grade your trauma. There is no such thing as sexual harassment lite™. If an act falls within the scope of sexual harassment, then it's sexual harassment. Period. (Sarkar, 2018)

What received predominantly positive responses within a global *#metoo* moment, was intricately challenged by those holding on to their privilege in the local publics. Here, Sarkar defies the constant inquiries into further details to occurrences that led to names being put on the list, invoking a critique of judicial procedures that often oppose feminist support. In an attempt to regain control of the narrative they stress the necessity of believing the victim, without fetishizing proof and acknowledge the right of victims to have their own scale for the trauma they have had to live through, therefore attesting to cultures of violence rather than singular incidents. In an attempt to change the 'game of truth', LoSHA renounces the constant necessity for women to perform victimhood and the sadistic pleasure that lies in repeating the powerful gaze upon those bodies, reiterating their victim-status and thereby confining their agency to that of performing pain.

LoSHA as infrastructure and *parrhesia* then cannot produce false content, as it merely addresses problematic discursive cultures, and critique of infrastructure would require the provision of better infrastructures for such revelations. In this lies LoSHA's most valuable contribution, that it changes the modalities of speaking about sexual violence. It rejects the onus of leveling patriarchal power structures to be on women* and, in pointing fingers, also points to those that may have failed young intellectuals the most: left-wing intellectual men*, who

give young women* the seductive illusion of importance when they engage in overbearing flirtation under the guise of flat hierarchies. This careless and selfish indulgence in young student's admiration may not be hard sexual harassment, but is nonetheless a violent and painful blow to young intellectuals already stricken by insecurities, and partakes in proliferating cultures of misogyny. This may be considered a lack of nuance, but the last years of feminist labor have constantly shown how everyday sexism and derogatory speech are connected with larger infrastructures, which allow sexual violence and structural misogyny to proliferate (e.g. Bates, 2014).

LoSHA justifies its flawed-ness by pointing towards the eternal flaws in the way that sexual harassment has been dealt with in the past. The regrettable truth LoSHA tells is that due process will never result in justice for all, also because the varying degrees of sexual misconduct do not fall in a simple yes/no dualism of what can be called consent. Rather, as sexual violence happens on a spectrum, LoSHA addresses a possibility of going beyond the judicial and into more transformative discourses that recognize the pervasiveness of unquestioned hierarchies that make such behavior possible. This may mark another turning point, as debates on sexual violence within feminist circles in India often reference precedent law, and hence turn to the past rather to a more open future on sexual violence discourse. Indeed, a number of incidents on LoSHA may not necessarily invoke a guilty plea even in front of a 'feminist' judge, simply because the law does not account for the seductive nature of a relationship with someone hierarchically 'above' you, or judicially non-violent yet patronizing – and hence still violent – acts of belittlement through sexual innuendo.

Speaking truth to power

In the previous section I have read the resistance towards LoSHA as a resistance towards an attempt to change the 'game of truth'. To illustrate and contextualize the reactions to the pitfalls of naming and shaming versus the exposure of a systemic truth, I want to engage with an example from more recognized whistleblowers, the WikiLeaks project. In an eponymous article, Pramod Nayar describes WikiLeaks as 'the new information cultures and digital *parrhesia*' (Nayar, 2010). Expanding on the Foucauldian concept, the digital *parrhesia* focuses on the cultures of truth telling, rather than the individual truthteller. Here, Nayar explores the Abu Ghraib torture scandal and the WikiLeaks archive documenting the torture crimes of the soldiers and commanding officers. He describes the tightrope walk of WikiLeaks activists, constantly open to charges of being unethical, 'especially when their disclosures affect powerful state and corporate interests' (*ibid.*). Notably, Nayar's analysis of the documents does not

produce the soldiers England and Graner as the sole perpetrators of inhumane torture, but shows how WikiLeaks address the infrastructural situation that needs to be critiqued:

> ...records on/at WL must be seen not as individual instances but as embodiments of institutional politics and power games. In other words, we need to treat the documents in the archive not as illuminating the perversions of one soldier in Iraq or Abu Ghraib: they must be evaluated as synecdochic of a culture where such acts of atrocity were made possible, and even legitimised. (2010: 28-29)

Raya Sarkar's Facebook post quoted above allows for a similar reading of LoSHA. In that *parrhesiastic* sense, the names on the list give testimony to a problem of sexual violence, which is so nuanced and yet so pervasive, that there is no other language for it than that of accusatory 'naming and shaming'. In the small world of Indian left-wing Academia, LoSHA could be speaking to the small-scale equivalent of the powerful state and corporate interests Nayar mentions above. Instead of ranking how guilty the persons named on LoSHA are with regards to sexual harassment; instead of evaluating one act of encroachment as worse than another; the number of entries as well as the names of prominent leftist professors should be seen as pointing towards a culture of sexual violence, which *even they* partake in. It is a culture that feminism has of yet failed to address and think about anew in depth and coherence, especially in light of dominant 'pro-sex' attitudes and performative flat hierarchies often practiced within academic spaces (John, 2018).

LoSHA's act of *parrhesia* then does not predominantly consist of successfully bringing down any of the names on LoSHA – its aim is not to attest to whether or not these names are 'truthfully' there, but lies rather in disclosing complicated and hushed cultures of sexual violence and the belittlement or objectification of women*, the conditions, which make their bodies accessible to men*, and whose complaints are turned into whispers or gossip, just as the perpetrators – unscathed – go on to gain international traction and profit from the accessibility to women's bodies and minds. Indeed, this argument can be taken even further in directly quoting Nayar once more, but replacing the names of whistleblowers Manning and Assange with that of Raya Sarkar and WL (WikiLeaks) with LoSHA. Nayar writes:

> ...to see Assange or Manning as individual heroes is to miss the point. If the public space has to possess a certain morality – of giving visibility to human rights violations, deprivation, suffering and cruelty (i.e., whistleblowing) and offering the chance for people to voice their dissent and discontent – then it is the rise and dissemination of counter-narratives such as those archived at WL that re-make the space. If public space is the space for different people to tell their stories WL marks the arrival of such a space (2010: 29)

While this may alarm many who are afraid for those wrongfully accused, one should remember that the worry over false accusations is usually something brought forth by men's rights activists (Grether, 2014). The myth of large-scaled false accusations has never been verified in terms of numbers. There may be reason to believe that Google Docs and digital contexts allow for knee-jerk reactions, but it is worth wondering why many seem to believe that these cannot (also) have viable context. It should also be worth remembering that even those who are found guilty of sexual assault, more often than not and especially when in positions of social privilege, walk away with little to no tarnish to their reputations and can go on living their lives and having their careers. The privacy of perpetrators not being shamed therefore does not live up to the lack of privacy for victims, who are not granted the same dignity when judicial need for proof draws out every detail of the act, and personal circumstances are brought forth as evidence against the victim, not the perpetrator.

Reading LoSHA through Foucault's *parrhesia*, this situation is revealed as a 'game of truth' that has addressed the proliferation of misogyny, which results in a prerogative to deflect that is reserved for the privileged perpetrators. For at the same time, it has led to victims of sexual harassment having to navigate their work environments to avoid their harassers, refusing work opportunities when predators are involved, and sometimes even changing careers altogether. In Christine Fair's article, she added costly therapy sessions and daily emotional distress to the long-term negative career choices that her harassers in different fields of academia had forced her to make, eventually leading to her leaving each field. It has since been reposted with the author's permission (Fair, 2017) and is one of the few voices that deal with the monetary aspect of sexual violence.

How valid is it, pitting 'less than guilty' but well-off academics with institutional backing and the capacity to prove their supposed innocence against the large number of disenfranchised and discouraged students coming into the field of left-wing intellectualism? Precisely *because* right-wing populism is on the rise (in India and elsewhere), these questions should be revised intensely. It is necessary to think about how little willingness there is to understand sexual harassment and consent, and how inadequate the law can be in numerous cases where sexual coercion comes in all forms and is not always something addressable through due process and yes or no. It is also important to remember that LoSHA has not disabled the mechanisms of due process, proven by the fact that investigations have been made into certain persons listed on LoSHA after its appearance, people who have recently been found guilty through these mechanisms (Sanyal, 2018). As Sarkar themself states:

>...if nothing else it serves the purpose of generating a discourse against the hypocrisy in the left-liberal-academic circles. It also gives enough strength to survivors to actually file the complaints now that the names are openly available in public domain, which is why a student of AUD [Ambedkar University Delhi] has filed a complaint against two of her professors at the level of the university. (2017, cited in Gupta and Dangwal, 2017)

Arguing with Foucault, *parrhesia* invokes precisely that idea: that certain 'truths' are presented, so as to critique and discuss greater societal infrastructures and reassess questions of privilege. It is upon the individual – not as an imperative of the law, but as a member of society involved in the 'game of truth' – to decide whether one agrees with the truth that the act of *parrhesia* brings forth, and to examine, how one's own resistance to such knowledge is motivated. It is also necessary to take seriously the rage, with which some women* seem to be entering academia as a field that was once understood to be liberating. This rage is indicative of emotional and psychological distress, which *Feminist in India*'s Mary E. John (John, 2018) identified in a vast number of young women* entering the field. LoSHA can then also be seen as making do with what one has, or, in Foucault's words:

>...the *parrhesiastes* uses the most direct words and forms of expression he [sic] can find. Whereas rhetoric provides the speaker with technical devices to help him [sic] prevail upon the minds of his [sic] audience (regardless of the rhetorician's own opinion concerning what he says), in *parrhesia*, the *parrhesiastes* acts on other people's minds by showing them as directly as possible what he [sic] actually believes. (Foucault, 2001: 12)

Following Foucault, Sarkar's frankness – possibly naïve – points to their urgency. Unlike the accused, the few of which responded were given prominent spaces in mainstream media outlets to do so, Sarkar did not have the safety of institutional backing, which is exactly the point of LoSHA's critique – that the university infrastructure does not provide such safety – or does so only for certain bodies. Sarkar may have shamed, but they have shamed those in power – arguably those who feel no shame, as most of the accused have failed to respond at all. LoSHA was implemented for lack of tools or understanding as to how to do anything else, possibly because a system of shame is already built into the structures of sexual violence itself.

As Steve Kohm argues with regards to the benefits of shame, 'shaming becomes a formal tactic of punishment itself', where, 'building on the apparent practices of indigenous peoples, restorative justice works explicitly on the principle that offenders must be made to feel guilt and remorse for their actions in an effort to build consciousness' (Kohm, 2009: 190). In this vein, Sarkar and other proponents of LoSHA, instead of condoning lynch mobs and pitchforking, have asked for nothing more than acknowledgments of wrongdoing and apologies, a

recontextualization of 'games of truth'. There is also the question of how much 'naming and shaming' has in fact taken place, as very few of those listed have actually taken the time to respond to their name being put on LoSHA. It has been pointed out that this may be due to circumstances that, without concrete allegations, there is no adequate way to respond (Gopinathan, 2017). When understanding LoSHA in an infrastructural way, as Sarkar has suggested in their Facebook post quoted above, there is, however, a plea to investigate one's own complicity in the maintaining of internalized and infrastructural misogyny, which has little to do with whether or not one was actually named. Just as names on LoSHA are not verdicts of guilt, not being on it does not make one innocent. Can victims of sexualized violence, and those who blow the whistle on the cultures that keep it going, overcome the visceral fetishization of proof and false accusations? These questions point to a larger structural issue, which gratefully accepts male critique of society as whistleblowing, while women*'s rage is easily dismissed as uncharted and needs to be reduced to whispers, so as to be politically acceptable. Accepting Raya Sarkar as a whistleblower does not negate the flaws of LoSHA, but accepts the principle that there is an infrastructural problem in hierarchical and gendered relationships.

Framing LoSHA in the way presented here suggests a basis from which all sides might move forward. However, the statements by the few of those named who have taken the time to respond at all have been met with aggression by Sarkar and proponents of LoSHA, conveying sentiments of 'too little too late' (cf. Chatterjee and Sarkar, 2017). This leaves the onus once again solely on feminists to facilitate discussions and provide infrastructures for change. While many have read and critiqued Sarkar's anger, beneath it also lies the wish for reparation in a post-colonial India, which is nonetheless never free of hierarchies and may have taken what feels like a neo-colonial stance towards its marginalized (i.e. avarna) communities (Shlaim and Roy, 2011). This would explain the annexation of LoSHA to *#metoo*, as the local political (savarna) left is shielding their own before the backdrop of an increasingly Hindu-nationalist government, but lacks to do so for the less established and marginalized communities.

Conclusion

In this article I have situated LoSHA's agency within a *parrhesiastic* 'game of truth', and in that vein reiterated its possibilities of critiquing entire discursive and infrastructural modalities, rather than singular occurrences. Looking at LoSHA through the lens of whistleblowing not only legitimizes LoSHA as *parrhesia*, but allows for an argument on the limits of language and actions to address cultures of pervasive sexual violence. LoSHA then presents a moment of

parrhesia, where the 'game of truth' is modified 'from below', namely a Dalit and subaltern position often missing both within India and the global discussions under the hashtag *#metoo*. The possibilities of LoSHA remain largely within taking this moment further, beyond individual names, so as to think about and address more environmental and affective structures of sexualized violence. Indeed, this has been happening increasingly, as conversations have become more nuanced again (Kappal, 2017).

Would Sarkar have required an institution such as WikiLeaks to legitimize their claims? The question is, if there would have been any institution available to verify the source material externally without endangering the alleged victims. Instead, LoSHA as *parrhesia* attempts to navigate such new and diverse environments of sexualized violence in an age of flat hierarchies, hypersexualization and rising insecurities. It does so in a space as transnational as the lives and working environments of those who are named. LoSHA is a reminder of the flaws of the justice system, but also of the humans who enforce it and the instability these flaws leave behind – scarring especially those who are already marginalized. Taking LoSHA seriously does not have to mean that it has to be read as a court document or even as a sex offender's registry, as some seem to fear. In fact, the lack of nuance lamented with regard to LoSHA has been contextualized many times by Sarkar and their proponents, in a language that acknowledges their feminist legacies and histories. Understanding it as *parrhesia*, LoSHA becomes the start of a conversation, not the end of it – even if some may feel this conversation to be age-old. It urges those named, but actually all in positions of (relative) power, to re-inspect their attitude towards Dalits and marginalized students. It urges leftist intellectuals to take seriously their own writings and words and produce more equal and safer campuses for women*, in India and elsewhere. Its *parrhesiastic* power lies in the critique of the available discourse on sexual violence. The 'game of truth' that LoSHA plays addresses both the Indian and the globalized context, and while it is arguably successful in the latter, it may in time change the rules of organization for the former.

Even if *#metoo* is not a project indigenous to India, this may be precisely a case where the marginalized communities of India feel more comfortable in relating to transnational experiences, rather than the indigenous but savarna feminist legacies that have led to individuals refusing to let go of their privilege (Kappal, 2017). This, too, finds its transnational resonance in hashtags such as *#solidarityisforwhitewomen* and even the initial discussions on *#metoo*, where the movement was ascribed to Alyssa Milano, instead of crediting non-white activist Tarana Burke, who had created the phrase as a movement to connect non-white and subaltern victims of sexual abuse over a decade before the hashtag (Adetiba and Burke, 2018).

LoSHA's critiques have invoked strategies that whistleblowers other than Sarkar have also had to withstand. They have been called mentally ill, ahistoric and silly, just as LoSHA has been read to be both too serious (in its consequences) and too trivial (in its methods). Within a reading of LoSHA as *parrhesia*, these critiques (willfully or not) miss the point and underline the disparity between the systemic hierarchies that LoSHA's 'game of truth' has set out to alter. Supporting this claim is also the idea that LoSHA was a materialized whisper network, which implied that Sarkar never intended, or could even imagine, taking down these men* in their privilege. However, this circumstance also attests to an infrastructure that allows for men* to make even decontextualized claims, while women*s 'truth games' are reduced to whispers. LoSHA is testimony to the violent and derogatory manner in which women* are treated on a daily basis. More importantly though, it has become an important precursor for the now re-flourishing *#metoo* movement and simultaneous reworking of the law, just as conversations about sexual health, consent and victimhood are able to emerge with amplified visibility. As such, I read it as a valid example for a networked *parrhesia* that 'speaks truth to power'.

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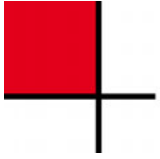
'If truth was a woman': Leaky infrastructures and the gender politics of truth-telling

Daniela Agostinho and Nanna Bonde Thylstrup

abstract

The parrhesiastic spaces brought about by networked technologies have transformed what counts as truth-telling today. While the notion of truth has been thoroughly scrutinized within organization theory as well in studies on the ethics of whistle-blowing, less attention has been devoted to how new and emerging practices of truth-telling are related to socio-technological imaginaries – that is, the way social structures such as gender, sexuality and race affect and are affected by technological assemblages, especially infrastructures of information. This article argues that networked forms of truth-telling are enmeshed in technological imaginaries where gender and sexuality are symbolically and materially encoded. Prompted by recent cases of information disclosure, the article theorizes how technological infrastructures, gendered imaginaries and economic regimes come together to shape, complicate and ultimately define who counts as a truth-teller within parrhesiastic networked spaces. Drawing on feminist infrastructure and media theories, the article discusses normative distinctions between whistle-blowers, leakers and hackers to explore how their infrastructural imaginaries map onto contemporary communication networks, the gender politics of organizing information, and the conditions of what counts as truth. The article argues that attending to infrastructural imaginaries and their intersections with gendered imaginaries can not only help us to make sense of how the gendering of truth-telling operates in highly networked spaces, but can also aid us in devising improved conditions for truths to be told in organizational spaces. Ultimately, infrastructures matter because they fundamentally determine whose knowledge and labour are socially valued, and whose voices come to count in public life.

Introduction: Supposing that truth is a woman...

'Supposing that Truth is a woman – what then?' So begins Nietzsche's (2009) preface to *Beyond good and evil*, where the philosopher equates the elusiveness of

truth with that of women. While Nietzsche's disdain for (and awe at) both truth and women has been consistently noted (see for instance Oliver, 1984), contemporary practices of truth-telling surprisingly suggest that he might have been on to something. What has been termed 'networked parrhesia', understood as a radical transformation of the process of 'speaking truth to power' enabled by networked technologies (Munro, 2017), seems to be enmeshed in technological and infrastructural imaginaries where gender is both symbolically and materially encoded. Extensive research within organization studies has drawn attention to the gendered dimension of organizations and labour, focusing on the gendered imaginaries on which organizations are premised, the gendered subjectivities they create and recreate, and how gender is both negotiated and undone in organizational settings (Britton, 2000; Gherardi and Poggio, 2001; Poggio, 2006; Pullen and Knight 2007; Kelan, 2010; Harding et al., 2013). At the same time, recent scholarship has addressed how the practice of truth-telling is problematically gendered, in particular in its relation to power (Maxwell, 2015). Significantly, Lida Maxwell has recently argued, in her reading of Foucault's lectures on parrhesia, that in order to speak truth to power, one has to appear distant from power so as to guarantee one's credibility, but also to be invested with some degree of political power so as to render one's truth significant (Maxwell, 2018). This predicament is already heavily gendered, given that distance from and proximity to power (and the ability to negotiate between the two positions) are situated in what Joan Acker refers to as organizational 'inequality regimes', where class, gender and racial inequalities persist in organizations as systemic disparities, even as institutions struggle to appear neutral and rational (Acker, 2006: 443ff.).

While these fields of research help us make sense of the gendered dimension of truth-telling within organizations, they have thus far not engaged with how new and emerging practices of truth-telling are related to socio-technological imaginaries, that is, the way social structures such as gender, sexuality, class and race affect and are entangled in technological assemblages, especially infrastructures of information. Attending to the entanglements of gender, information infrastructures and truth-telling is crucial, we suggest, because it not only allows us to attune to why and how whistles are blown, but also to critically examine who is afforded the role of whistle-blower and how much weight their words are given within highly networked contexts.

Whistle-blowers often trigger the relatively familiar imaginary of a 'conscientious individual's lonely struggle for justice, pitted against forces with infinitely more power and resource', even though the whistle-blower remains a figure 'surrounded by legal, moral, and political uncertainty' (Contu, 2014: 393). Recent literature has sought to offer new perspectives on whistle-blowing that nuance

and challenge the familiar tropes we have come to know through popular culture and news reporting. Such new perspectives help us remember that the whistle-blower is not 'a pre-existing entity', as Kate Kenny et al. note, but rather a moral construction that 'emerges as an ethical subject through the practice of speaking out' (Kenny et al., 2018: 1744). Alessia Contu's work on the unsettling figure of the whistle-blower, for instance, is inspiring in this regard. She explores not only the subjectivity of whistle-blowers and their rationality, but also 'their relationality... the relational process of what they engender in the subjects who hear the whistle' (Contu, 2014: 394). Paraphrasing Wendy Brown's famous reading of *Antigone*, Contu notes:

> what matters about whistleblowers [is] not that we should respond to them in a particular way but that they compel such serious attention, forcing us, as we respond, to confront some of our most fundamental ethical assumptions. You may love whistleblowers or hate them, what no thinking person has ever managed to do is to ignore them. (*ibid.*: 403)

We would like to challenge this idea that no thinking person has ever managed to ignore whistle-blowers. This article argues that such an assumption is symptomatic of a general lack of theoretical discussion of the significance of gender in the relational practice of whistle-blowing. Attention to gender shows that certain whistle-blowers indeed can be, and have been, ignored, overlooked and dismissed. As Kenny (2018) points out, gender remains a question crucial to whistle-blowing; and as this article suggests, gender matters not only to imaginaries of whistle-blowers (who is afforded this subjectivity, and who is not), but also to the networked communicative infrastructures through which truths are told. A recent interview with Sarah Harrison – a former activist for the whistle-blowing website WikiLeaks who now works with the Courage Foundation, an organization to support whistle-blowers and hacktivists who are being persecuted – provides us with a striking example of such imaginaries of whistle-blowers and the subjectivities they deny. Harrison was a high-ranking member of WikiLeaks' permanent staff, and she worked on the National Security Agency (NSA) scandal and the 'Afghan war diary'. She was also central in getting Snowden to Russia. Yet, in the media she would often be described not as a whistle-blower but as Snowden's friend or assistant. She notes:

> The ones where it really annoyed me was where it was by journalists I had worked with! We'd had meetings talking about stories! I was described as a 'companion', very good at washing socks and making phone calls. These sorts of things. Sadly we get used to that as women. We shouldn't but we do. At that time there was a desire to sensationalise the story in the press and make it more James Bond-like, planes going down and an international fugitive. A 'pretty blonde assistant' seemed to fit with those stories, not a hardworking journalist looking at politics and law to sort the situation out. (Abraham, 2018)

The Harrison example resonates with Kenny's theoretical work. Drawing on Butler, Kenny notes that organizations still operate within a heterosexual matrix that not only inscribes normative gendered and sexual identities, but also limits 'the kinds of subjectivities available to individuals' (Kenny, 2018: 1028). Indeed, these matrices 'operate in organizations via mechanisms that deny recognition to certain subjects', and thus also work to foreclose certain subjectivities (*ibid.*: 1042). Her empirical studies highlight how certain kinds of speech are 'governed by subtle matrices of control', with the effect that 'a boundary [is] set up delineating "impossible" subjects from valid ones' (*ibid.*: 1027). What Kenny draws attention to, and what we wish to emphasize and further nuance, is that such normative matrices work to disregard some whistle-blowers and even make them impossible, framing them instead as other, socially devalued subjectivities, such as 'assistants', 'companions', or even 'lovers' or 'looneys'. Such subjectivities, as we shall argue, often presuppose infrastructural imaginaries that assume and reinstate a heterosexual matrix, i.e. a 'grid of cultural intelligibility through which bodies, genders, and desires are naturalized' (Butler, 2002: 194n6). This grid, which we could term a heteropatriarchal matrix, determines that practices of whistle-blowing that do not adhere to heteropatriarchal norms, as well as those who speak outside those norms, are feminized and thus devalued and given lower credibility status. The construction of the ethical subject of the whistle-blower not only relies on the practice of speaking out, then, but also intersects with controlled subject positions, including gendered imaginaries regarding who does the speaking, through which networks and to what effect. As Silvia Gherardi puts it, '[g]ender has to do not only with bodies, and power, but also with the politics of knowledge, and therefore with organizations as containers of different bodies and sexualities, as arenas of power/knowledge' (Gherardi, 2005: 211).

The socio-technological imaginaries of parrhesia, and how they condition truth-telling bodies, are particularly evident in normative distinctions between whistle-blowers, leakers and hackers. As this article explores, these distinctions demarcate truth-telling bodies through a politically inflected field in which who counts as a truth-teller is defined according to gendered, sexualized, classed and raced norms of behaviour that influence the public assessment of and response to the truth-teller's speech (Maxwell, 2015). One prominent example is Chelsea Manning, the former United States Army soldier who released the Iraq and Afghan war logs to WikiLeaks, revealing human rights abuses and corruption connected to the US wars in Iraq and Afghanistan. She was convicted and sentenced to thirty-five years in a military prison, but was released in 2017 when President Obama commuted her sentence. While in prison, Manning publicly identified as a trans woman. Manning was often classified in public discourse as a would-be whistle-blower whose confusion over her gender identity kept her

from being perceived as a proper truth-teller (*ibid*). Another example is the overlooked case of Reality Winner, the former American intelligence specialist who was arrested in 2017 and charged with releasing classified information from the NSA to the whistle-blowing website The Intercept. Winner's behaviour has been repeatedly gendered, sexualized and infantilized to unsettle – and discredit – her disclosure of Russian attempts to interfere with the 2016 US presidential election. An in-depth profile of Winner published in *New York Magazine*, for example, whose body text details her exemplary school record among other admirable feats, bears the belittling title 'The world's biggest terrorist has a Pikachu bedspread' (Howley, 2017), while an article published in *Politico* emphasizes that she 'stuffed NSA report in her pantyhose' (Gerstein, 2017). Even more recently, the 2018 information scandal concerning Cambridge Analytica's misuse of Facebook profiles, disclosed by former Cambridge Analytica analyst Christopher Wylie – who presents himself as a gay and vegan whistle-blower – ultimately shows how a queer counterculture of hacking has been incorporated by platform capitalism, complicating the binary social imaginaries invested in technological practices of truth-telling.

While the politics of each example are unique and play out their own logics, we argue that they also share a common trait: they show how socio-technological infrastructural imaginaries of networks, gender and sexuality fundamentally shape, complicate and ultimately define who counts as a truth-teller within emerging parrhesiastic networked spaces. Drawing on feminist infrastructure and new media studies, this article wishes to advance the critical study of truth-telling, gender and sexuality in organizations. The article therefore asks: what are the normative distinctions between whistle-blowers, leakers and hackers, and how are these demarcations entangled in gendered and sexualized infrastructural imaginaries? Further, how do these imaginaries map onto contemporary communication networks, the gender politics of organizing information, and the conditions of what does and does not count as truth? In exploring these questions, the article argues that attending to infrastructural imaginaries and how their intersections with gendered and sexualized imaginaries of truth-telling can help us make sense of dominant and unnoticed social practices at play within organizations, and thus can advance the project of meaningful social and organizational change.

Infrastructural imaginaries of truth-telling

The infrastructures of information mediation are becoming increasingly decentralized and networked. As Pramod Nayar notes, these infrastructural transformations have given rise not only to a new digital culture but also to a new

parrhesiastic space (Nayar, 2010). This is of course because infrastructures in and of themselves act as 'vehicles for professional and organizational transformation' (Bowker et al., 1995: 345). New infrastructures fundamentally change both organizational practices and knowledge in relation to information mediation, and in doing so they also inscribe what we might call new information moral orders by allocating resources of information distribution, structuring informatic visibilities, and underpinning informational rhythms. Today's infrastructures of information mediation should thus be seen not only as structuring new acts of truth-telling, but also as transforming the very nature of what it is to do – and what counts as – truth-telling.

In this process, it has become clear that the ethico-politics of truth-telling in contemporary networked societies rests not only on material infrastructural changes but also on attendant infrastructural imaginaries, that is, 'ways of thinking about what infrastructures are, where they are located, who controls them, and what they do' (Parks, 2015: 355). In order to understand how infrastructural imaginaries reshape the politics of truth-telling, it is necessary to analyse not only cables, packet switches and networks, but also the social structures that shape and are shaped by these imaginaries, as the critical study of infrastructures has pointed out.

The analysis of infrastructures is useful in this context because, as Paul Dourish and Genevieve Bell have suggested, they both are 'embedded into social structures' and 'serve as structuring mechanism[s]' in themselves (Dourish and Bell, 2007: 418). A sociopolitical reading of information infrastructures thus emphasizes the ways in which social forms are written into the technological scaffolding of information, and how they reflect and materialize power dynamics, thereby structuring the possibilities for social action.

The critical studies of infrastructures we draw on in this article rely on feminist scholars Susan Leigh Star and Karen Ruhleder's understanding of infrastructure as a 'fundamentally relational concept' – a formulation that requires us to attend to infrastructures as socio-material processes and events, rather than physical objects (Star and Ruhleder, 1996: 113). In this understanding, infrastructures, rather than being viewed as inanimate objects, come to express what Lauren Berlant calls the 'living mediation of what organizes life: the lifeworld of structure' (Berlant, 2016: 393).

Central to critical studies of infrastructures is Susan Leigh Star's notion of infrastructure as 'an embedded strangeness, a second-order one, that of the forgotten, the background, the frozen in place' (Star, 1999: 379). In her landmark article 'The ethnography of infrastructure' (1999), Star put forward a

definition of infrastructure that remains influential to this day: when infrastructure works as it should, it becomes invisible and unnoticed. This desired invisibility, as Ara Wilson (2016) points out, positions infrastructure as an ideological object. Like ideology, infrastructure operates at its best when invisible, unnoticed, taken for granted. As Wilson writes:

> [A] component of successfully operating infrastructure is thus ideological, by operating in ways that obscure the labor and politics involved in that functioning. Just as ideology can become more obvious during fraught times or in off-kilter (heterotopic) spaces, then so too is consciousness of infrastructure more apparent when not yet absorbed into the background. (2016: 270)

Infrastructures are thus built and operated behind the scenes and out of sight, in order to attain the ideal status of seamless, unnoticed background, conditioning the context in which visible activities appear. A critical analysis of infrastructure, similarly to the critique of ideology, is therefore concerned with foregrounding that which is designed to stay in the background.

If their optimal functioning is equated with invisibility, infrastructures are easily associated with the kind of labour historically and culturally ascribed to women, racialized subjects and low-status workers: the invisible, voiceless, caring work of maintenance, performed in the back rooms of history (Mattern, 2018). Infrastructures thus tend to function like gender, a defining social category that structures the everyday life of organizations but often goes unnoticed. Organization studies have often drawn attention to how gender operates in subtle and imperceptible ways, and how organizational practices that are heavily gendered appear gender-neutral (Ely and Meyerson, 2000). As Pullen and Knight observe: 'Organizations are often characterized as scenes of constraint as well as opportunity, sites of incessant activity where gender often passes unnoticed, denied or disavowed partly because it is "done" routinely and repeatedly unknowingly and with a degree of automaticity that conceals its precariousness and performativity' (Pullen and Knight, 2007: 505). According to Harrison, the everyday of truth-telling is indeed comprised of infrastructural labour, more characterized by tedious and invisible routine operations than by spectacle:

> We were sent large data sets of documents, and would have to check they were verified… there is a lot of work to go through, making calls researching stories in there, cross-referencing what you find in as many ways as possible… there's a feeling from the outside that it must all be secret and exciting but emails for example can be technically difficult to work with. Of course I loved the work we did, but when stories came in, I have to admit that a little bit of me would think 'Oh, now we've gotta go through this whole thing!' and I'd want to throw my computer out the window. (Abraham, 2018)

How might we understand Harrison's experience in relation to the overall issue of the gendered imaginaries of truth-telling? The tedious labour of truth-telling, essential as it is, rarely reaches public perception. Instead, public attention to truth-telling is reserved for the spectacle of the grand and masculinized gestures of speaking truth to power. What is exemplary about this case is that the backgrounded labour is not only performed by a woman but is also gendered as female: this kind of work is usually feminized and thus devalued (even when performed by a male subject) because it is associated with the menial work historically assigned to women. What is characteristic about Harrison's experience is not so much the fact that she performed boring infrastructural labour, but rather that she was never credited for truth-telling because this infrastructural labour was never recognized as truth-telling work. In fact, not only was she not credited for truth-telling; often, she was infantilized and sexualized for doing this kind of labour. As in previous histories of gendered sexualization, the organization of truth-telling also tells tales that both infantilize and sexualize those who perform the invisible infrastructural labour, to the extent that the subjectivity of women whistle-blowers is sexualized, diminished and even erased. One example is a recent – and deeply flawed – article in *Vogue* (unbearably referring to Harrison as a 'Snowdenista' in its title) that describes Harrison's reaction to her own depiction in the media:

> There have been reports that while in England, Harrison did Assange's laundry and that, with her cheery demeanor and disarming laugh, she helped smooth over his often-prickly interactions with the press. When Harrison surfaced by Edward Snowden's side in Moscow, an Italian paper wondered aloud if she might be a twenty-first-century Mata Hari. 'I think, because there was such a void of information, the only way the press could speak about me was to identify me by the men I worked with,' she says lightly. 'And sometimes they did it in quite a snarky way.' (Corbett, 2015)

The depiction of Harrison in the media evokes a long history of how such meticulous and painstaking labour has been devalued by heteropatriarchal matrices of control in business and organizations (Davies 1982; Fine, 1990; Strom, 1992; Kwolek-Folland, 2010; Robertson, 2017). C. Fred Alford, who interviewed several men and women whistle-blowers, also pointed to the invisibilization of many truth-telling gestures that take place in contexts marked by gendered labour:

> For every whistleblower who makes the front pages, a hundred never make the back pages. One whistleblower said that his father-in-law told him that if he had been a real whistleblower, he'd have been on *60 Minutes*. It's not true. The provision of medical services paid by Medicare is another area in which there is a lot of whistleblowing (likely because fraud is both easy and evidently common), and it is most often nurses and lower-level health professionals, such as occupational and speech therapists, who blow the whistle. These fields are still

> dominated by women. It may well be that large numbers of women have been blowing the whistle for a long time, but nobody has noticed because these are not exciting cases. In other words, more women than men may have been blowing the whistle for a long time, and no one bothered to look. (Alford, 2003: 69)

As Harrison notes, this invisibility can work to one's advantage, because it allows many women to 'fly under the radar'; yet it is also a vulnerability, because it invisibilizes the injustices done to female-identifying truth-tellers:

> there is a flipside to that in that there is some protection in visibility. Not to be too paranoid and I don't think this is going to happen tomorrow but say the US ordered an indictment and I was to be extradited, I would want there to be journalists at the hearing, and people trying to make sure it was done with due process. I think Renata [Avila]'s point is that there are a lot of whistleblowers that have been caught that people don't know about. That is something that we try to work on, to give them a public defence. (Abraham, 2018)

In what follows, we further examine how the gendering of truth-telling is shaped by the way infrastructures themselves are gendered in ways that go mostly unnoticed, insofar as invisibility is part and parcel of how infrastructures – and gender – are perceived across social life. It is this entanglement between gender and infrastructures, as we shall see, that demarcates truth-telling bodies through the figures of whistle-blowers, leakers and hackers.

Gendering infrastructures: Leaking, whistling, hacking

Practices of truth-telling, such as whistle-blowing or leaking, are premised on the rupture of infrastructures that contain information. As Zoë Sofia has shown in her essay on 'Container technologies' (2000), in addition to being associated with traditionally gendered labour, container infrastructures are metaphorically imagined and overdetermined as feminine – as passive holders of content, as opposed to active, masculine power tools imbued with agency. Container infrastructures thus often withdraw from users' awareness: they are taken for granted, they seep into the background. The labours that sustain container infrastructures are considered menial because they maintain rather than produce. They are designed not to be obtrusive; their presence is to be felt but not noticed. While structurally necessary, they are unacknowledged as a 'precondition of becoming' (*ibid*.: 188). Their role is to enable the visible action that attains awareness and attention. They only become visible when they crack, when they fail to perform. Hence, their visibility is bound to be negatively perceived.

According to Sofia, this gendering of container infrastructures is the result of an understanding of space as a passive, neutral receptacle devoid of agency, and of a

cultural bias towards technologies that are dynamic, noticeable, generative and capable of producing change. Protection, storage, enclosure, accumulation and continuity – functions historically ascribed to both women and container infrastructures – are thus culturally devalued. These gendered infrastructural imaginaries, we argue, inform the normative distinctions between whistle-blowers, leakers and hackers, conditioning who counts as a truth-teller and who is allowed to speak truth to power.

It is no surprise, then, that in normative distinctions the leak is perceived as a failure of containment, while the act of whistle-blowing appears to be an intentional and calculated disclosure of information, and hacking to be a spectacular, technologically savvy penetration into a closed-off system. Leaking is from the outset premised on the existence of information infrastructures that contain information without spilling it. From the drip to the cascade, the leak is usually framed as a malfunction in which pieces of information flow from secretive, closed containers into the public sphere, either little by little or as a massive spill. This cultural imaginary of the leak is evocative of the infrastructure that becomes visible when it fails, when it breaks down; hence the leak is perceived as a failure. This is consistent with the etymological trajectories of the terms. Grose's 1823 *Classical dictionary of the vulgar tongue* defines 'leaky' as 'apt to blab: one that cannot keep a secret is said to be leaky'. Indeed, as Ben Zimmer notes, in English, leaky blabbers/talkers from the late nineteenth century onwards were stereotypically women (Zimmer, 2010).

By contrast, the same dictionary defines the expression 'blow the gaff' as follows: 'a person having any secret in his possession, or knowledge of any thing injurious to another, when at last induced, from revenge or other motive, to tell it openly to the world and expose him publicly, is then said to have blown the gaff upon him'; likewise, 'blow the gab' ('gab' meaning mouth) was taken to mean 'to confess, or impeach a confederate' (Grose, 1785: 15). According to this definition, the person who was able to blow a whistle was an authoritative figure who had been given a position ensuring a lawful state of affairs.[1] This is why the phrase to 'blow the whistle on' is often related to the policeman's whistle. The leaker, in contrast, in her early conceptualization, never held any such authority; and her actions, in the term's early instantiations, did not possess any intentionality either. The leaker was rather someone who spilled a secret in an unintended fashion. This again raises the question of agency pointed out by Sofia (2000) in

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[1]   Later, however, the term gained the predominantly negative connotation of a cowardly informant, being rehabilitated only in the 1970s, when Ralph Nader intentionally sought to give the word a new cultural trajectory at the Conference on Professional Responsibility (see Zimmer, 2013).

her reading of container technologies: 'leaky' women in the nineteenth-century sense were not leakers in the present-day sense, since 'leaking' was not endowed with agency at that time. Rather, a leak was something that happened inadvertently, sometimes even embarrassingly. Both qualified as lacks, women and infrastructures alike are discursively constructed to leak. As Elizabeth Grosz wonders:

> Can it be that in the West... the female body has been constructed not only as lack... but with more complexity, as a leaking, uncontrollable, seeping liquid? My hypothesis is that women's corporeality is inscribed in a mode of seepage. (1994: 203)

A symptomatic example is offered by philosopher Sara Ahmed's reading of reactions to her resignation from Goldsmiths College in protest at the institution's failure to address sexual harassment as a structural problem. According to Ahmed's interpretation, after sharing her reasons for resigning from her post, she was positioned as the cause of damage. As she puts it:

> I became a leaky pipe, drip, drip. Organizations will try and contain that damage. The response in other words is damage limitation. (Ahmed, 2017)

Carrying on the metaphor, Ahmed argues that her leaky behaviour was to be contained by 'institutional plumbers' who would fix the leak and 'mop up the mess'. In her analysis, the institution framed the leak as a failure in an otherwise perfectly functioning system. It is the leak that needs to be mended, not the system that needs to be structurally changed or transformed. The leak is just a glitch that needs to be repaired. The framing of Ahmed's gesture as a leaky one, rather than as whistle-blowing, obviously devalues her truth-telling act and consequently diminishes the gravity of sexual harassment as a structural problem, which is pushed into the background of both the institution and public awareness.

Contrary to the leak, which is defined by lack, blowing the whistle is understood as an intentional act that adds something. Whistling is a volitional signal, a surrogate for speech (Nöth, 1998: 287). While 'leaking' materializes the act of disclosing information as a loss (a failure to contain), the term 'whistle-blowing' frames the act as a contribution (sending a signal).[2] Moreover, whereas leaking is framed as something that happens inadvertently, whistling indicates the mastery of technique and the use of a tool, be it one's lips or a whistle, which – again according to Sofia (2000), drawing on Lewis Mumford – is to be contextualized

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2   Nevertheless, even here gendered language is at play: the nickname Deep Throat, given to Mark Felt by *The Washington Post*'s Howard Simon, was an allusion to the infamous porn movie with Linda Lovelace (see Shepard, 2008).

in an infrastructural imaginary of utensils that are socially constructed and perceived as masculine.[3]

The infrastructural imaginaries of skill, volition and tools implicit in the figure of the whistle-blower are reinforced with the figure of the public-interest hacker. If the social construction of container technologies renders them feminine and passive, hacking in turn is culturally codified as masculine. The very word 'hacking' points towards an act of aggression (to hack) as well as a tool (the hack). Hackers are akin to 'dynamic machines for penetrating secrets and unlocking resources' (Sofia, 2000: 198). This infrastructural imaginary of aggression and exploration is explicitly at play, for instance, in Galloway and Thacker's influential work on the politics of networks, where they note that networked information spaces have 'bugs and holes… which make them as vulnerable to penetration and change as would a social actor at the hands of more traditional political agitation' (Galloway and Thacker, 2010: 82). Indeed, Galloway and Thacker explicitly militarize the infrastructural imaginary of the network, drawing on Carl von Clausewitz's conception of the 'decisive point of vulnerability as points of military or revolutionary intervention in battle strategies' (*ibid.*: 64). Vulnerability here is understood as a weakness to be exploited. The multitude – the political concept to which Galloway and Thacker ascribe positive value, for instance in the figure of the swarm – is politically powerful precisely because 'it has no "front", no battle line, no central point of vulnerability' (*ibid.*: 66). In this imaginary, the hacker – as part of a swarm – emerges as a uniformly masculinized force, capable of penetrating points of vulnerability with the aim of domination. This understanding of vulnerability as weakness, as a 'soft spot' to be exploited in order to obtain military or political gain, is consistent with a gendered construction of infrastructure, whereby vulnerability is equated with the container technology that becomes visible when it cracks, when it 'fails' and gives away its presence. As we shall see, this notion of vulnerability as potential threat, or something to be exploited, is part and parcel of business models within platform capitalism (Srnicek, 2017). This notion of vulnerability, as we unfold in the next section, actually precludes an understanding of social vulnerabilities such as those related to gender and race, which these technologically vulnerable platforms potentially amplify.

It should be noted, however, that Sofia's essay 'Container technologies' does not essentialize or entrench these gendered assumptions about passivity and aggressivity: she does not equate containers with women and instruments with

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3   As Cohoon and Aspray note, computational language is saturated with 'themes of aggression, hierarchy, and dominance', such as 'hacking, blue screen of death, brute force, killer app, and number crunching' (Cohoon and Aspray, 2006: 146).

men. Rather, she examines and challenges how infrastructures of containment are socially construed and perceived as feminine while instruments are understood as masculine. She challenges such binary codifications by pointing out that both women's and men's bodies comprise many natural 'container technologies' besides sex-specific organs, including 'skin, mouth, stomach, bladder, bowel, blood vessels, even the penis is an expandable container of sorts' (Sofia, 2000: 187). She also includes technologies, commenting on skyscrapers – 'so obviously phallic but from the inside "a womb with a view"' – and the computer, 'which is basically a storage technology for data, yet which has often been represented as a kind of flying vehicle, even before widespread networking allowed internet "surfing"' (*ibid*.: 188). Drawing on philosopher Luce Irigaray, she also notes that this equation of infrastructures with women's labour is due to 'man's failure to grow up and acknowledge indebtedness to the spatial/maternal environment and the labors of those who sustain this facilitating space' (*ibid*.: 189). This might be complemented by Ursula K. Le Guin's (1985) essay 'The carrier bag theory of fiction', which draws attention to how history has been written from the perspective of Man the Hunter, positing tools of prey, such as the spear and fire, as the first inventions. Le Guin counters that such tools or inventions would be pointless if there were no containers or carrier bags to carry home the prey. She therefore proposes that the first tool was a carrier bag for food rather than a weapon, thereby lending weight to container technologies and their attendant gendered imaginaries. This is consistent with Sofia's consideration of container technologies as a corrective to phallic biases in interpretations of technology, and as a way of moving beyond traditional Western notions of space as passive, feminine and unintelligent by acknowledging the productive and generative quality of space.

Sofia's complication of the binaries of technological infrastructures helps us nuance and challenge accounts of the digital infrastructural imaginaries of truth-telling, their heteropatriarchal assumptions and their implications for the organizational logic and politics of digital parrhesia, not least in relation to ideas about secrecy and disclosure. Feminist and queer perspectives on the infrastructural imaginaries of leaking, blowing, hacking and swarming emphasize this need to nuance accounts and concepts of whistle-blowing and leaking. As Lauren Wilcox notes, swarms entail 'a deeply ambiguous relationship between signifiers of masculinity and femininity' (Wilcox, 2017: 27). This ambiguity between signifiers is especially present in hacking circles: contemporary feminist interventions de-emphasize hacking as an aggressive act of intrusion and transgression, instead foregrounding critical feminist, crip and queer practices that can shed light on the organizational politics and 'deep-seated teleological assumptions' of mundane and/or invisible infrastructures (Fox and Rosner, 2016). This challenge to the masculine understanding of hacking echoes

Le Guin's carrier bag theory, which also wishes to reinstate devalued instruments and practices as important tools.

Within this context, Lilly Nguyen, Sophie Toupin and Shaowen Bardzell (a.k.a. SSL Nagbot) outline a feminist approach to what they term '(un)hacking and making', whereby 'making' is foregrounded to introduce other kinds of expertise, such as craft and care, into conversations about technology. While this duality between hacking and making potentially replicates the deep-seated binaries encoded within technologies, it sets out to 'present an intentional praxis of subversion such that feminist hacking/making comprises an explicit method for encounter and engagement with existing normative infrastructures' (SSL Nagbot, 2016). This praxis often involves performing an 'infrastructural inversion' (Bowker and Star, 1999: 34) by visibilizing existing infrastructures in order to expose and examine their inner workings. It is also intended to rectify women's invisibility in computational culture and the field of science, technology, engineering and mathematics more broadly.[4] Within this context, hacking is reclaimed as a positive mode of engagement that challenges otherwise gendered and normalizing infrastructures through structural inversion – among other things precisely to support, rather than exploit, vulnerabilities such as eating disorders and disabilities, through the design of women-, queer- and trans-friendly spaces, or by addressing women-centred concerns (see for instance Black, 2016; Forlano, 2016). By introducing other kinds of expertise culturally ascribed to women, such as craft and care, into conversations about technology, these perspectives wish to challenge and displace 'gendered configurations of power within technoculture' (SSL Nagbot, 2016). Such interventions complicate the vocabularies and infrastructural imaginaries associated with hacking, offering instead a set of practices that can redirect hacking towards the introduction of alternative values such as inclusion, care and intimacy.

Yet, it is also clear that the ambiguity between masculine and feminine signifiers remains in place or at least difficult to overcome, and that it has attendant implications for the gendered imaginaries of truth-telling (the same ambivalence is echoed in questions about hacking and race; see Greene-Hayes and James, 2017). Buttressing the notion of hacking with the prefix '(un)' and the adjoined term 'making' ('hacking/making'), SSL Nagbot (2016) shows that complicating the binaries encoded in technology can also reinstate those binaries. Moreover, claiming hacking as a subversive practice also comes with difficult political

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4   As Sherry Turkle, Donna Haraway and Ludy Wajcman have shown, each in her own distinctive manner, the under-representation of women in the field of technology stems from a much more pervasive problem of socio-technical construction, where both the material infrastructures of computing and their imaginaries are suffused with masculine ideals.

questions about agency and subject formation in light of the political economy of entrepreneurialism. As Lilly Irani (2015) has recently pointed out, the current wave of neoliberalization of the practice of hacking suggests the need for a cautious approach to reclaiming it as a subversive or critical practice. Irani argues, for instance, that hackathons represent not only a site of subversive engagement but also a mode of entrepreneurial subject formation aligned with neoliberal policies. Such entrepreneurial subject formation aligns and reproduces, rather than counters, the gendered imaginaries of truth-telling, as it emphasizes innovation and risk-taking, behaviours traditionally ascribed to masculine entrepreneurs that women are often expected to emulate (Bruni et al., 2004). Within this larger framework, the conditions for subversive hacking do not always overlap with the political concerns by which it was motivated in the first place (Irani, 2015). Irani draws her conclusions from her experiences in hackathons organized in India, but her points are worth bearing in mind when considering the infrastructural imaginaries of truth-telling. What becomes apparent is that even if one subverts heteropatriarchal matrices of control in truth-telling practices on one level, one may be ensnared in the very same matrices on another, as they intersect with other categories and social phenomena. Gendered encodings of technology intersect with political and economic regimes to shape the organizational spaces where truth-telling is articulated. In the following section, we further discuss how moving beyond binaries does not necessarily equate with the subversion of heteropatriarchal matrices of control aligned with economic regimes.

Leaky platforms: Breaching as a feature, not a bug

The recent whistle-blower-sparked information scandal concerning Cambridge Analytica's misuse of Facebook data for political purposes provides a useful example to flesh out these intersections between gendered imaginaries and economic regimes. The main public objection in debates about the scandal pertained to the ways in which user information leaked from Facebook's platform to third-party users. The method, disclosed by former Cambridge Analytica employee Christopher Wylie – or as *The Guardian* called him, the 'data war whistleblower' – and Britanny Kaiser, consisted in harvesting millions of Facebook profiles in the US and then using this information to create psychological and political profiles of potential voters during the US presidential elections that could help political campaigns to target ads based on psychological make-up (Cadwalladr, 2018). Since the disclosure, debates have raged not only about the moral deficiencies of companies such as Cambridge Analytica, but also about the terminologies used to describe information disclosures and the roles of the people involved in them. Adding to the debate outlined in the previous

section, the Cambridge Analytica scandal is further complicated by the fact that Wylie described himself in an interview with The Guardian's Carole Cadwalladr as the 'gay vegan who made Steve Bannon's psychological warfare mindfuck tool' (Cadwalladr, 2018). He further added that Bannon, former head of Donald Trump's presidential campaign and chief strategist, believed 'gay people were the key to success' (*ibid.*). Speaking of Rebekah Mercer, daughter of billionaire Cambridge Analytica backer Robert Mercer, Wylie said:

> The gays. She loved the gays. So did Steve [Bannon]. (ibid.)

Wylie added:

> He saw us as early adopters. He figured, if you can get the gays on board, everyone else will follow. (*ibid.*)

At the same time, Bannon is said to have secretly corresponded with representatives of an anti-LGBT hate group (Butterworth, 2018). Wylie's disclosures have been met with criticism from the queer tech community, which sees his act of whistle-blowing as an instrumental use of queer hacking counterculture to distance himself from the Cambridge Analytica tactics to which he contributed. As one queer media scholar put it 'Christopher Wylie does not get a pass because he's broody' and 'The queer subculture of hackers' (1995) has come full circle to support fascism. Homofascism has pink hair.' (Anonymized Facebook post, 19 March 2018).

Moreover, Wylie also repeatedly undermined the legitimacy and authority of Brittany Kaiser, the former business development director for Cambridge Analytica, who testified about her involvement in the work of Cambridge Analytica before the U.K. Parliament and in a private before the Mueller Investigation. In the documentary *The great hack* (2019) directed by Karim Amer and Jehane Noujaim, Wylie even states in a striking comment that 'she is not a whistleblower'.

Returning to SSL Nagbot's discussion, we can see how challenges to normative imaginaries of whistle-blowing, hacking and leaking take place within a set of political and economic conditions that can undermine and defuse subversive potential. While Wylie positions himself as a queer man and mobilizes the queer hacking subculture to distance himself from Cambridge Analytica, his disclosures rather show that the subversion of binary identities can be aligned with capitalist and patriarchal regimes. The fact is that the media never hesitated to label Wylie a whistle-blower, aligning him with the masculine volition of truth-telling, where queerness functioned not as a subversion of binaries but as a pink-washing of 'surveillance capitalism' (Zuboff, 2019). Here, the queering of the

binaries associated with whistle-blowing reveals how norms can be both challenged and reinstated by the same truth-speaking subject, and how queerness can be absorbed by capitalist patriarchy.

Another central point of contestation that taps into infrastructural imaginaries of parrhesiastic spaces is whether or not the Cambridge Analytica scandal was a case of data breach. Confronted with the allegations made by Wylie, Facebook immediately countered the discourse of 'data breach'. Paul Grewal, a vice president and deputy general counsel at Facebook, stated:

> The claim that this is a data breach is completely false. Aleksandr Kogan requested and gained access to information from users who chose to sign up to his app, and everyone involved gave their consent. People knowingly provided their information, no systems were infiltrated, and no passwords or sensitive pieces of information were stolen or hacked. (Grewal, 2018)

In a *New York Times* op-ed written two days later, sociologist Zeynep Tufekci noted in response:

> Mr. Grewal is right: This wasn't a breach in the *technical* sense. It is something even more troubling: an all-too-natural consequence of Facebook's business model, which involves having people go to the site for social interaction, only to be quietly subjected to an enormous level of surveillance. The results of that surveillance are used to fuel a sophisticated and opaque system for narrowly targeting advertisements and other wares to Facebook's users. (Tufekci, 2018)

Media scholars Wendy Chun and Sarah Friedland presaged this point of contestation a few years earlier in their article 'Habits of leaking: Of sluts and network cards' (2015), in which they noted that what was surprising about all the leaks occurring in the digital world was not their existence, but our surprise at them. Indeed, Chun and Friedland argued that new media are not simply about leaks: *they are leak*. Chun later unfolded this viewpoint in her book *Updating to remain the same*, where she added:

> In terms of networks, leaks are not accidental; they are central. Without leaking information, there could be no initial connection. (Chun, 2016: 51)

Significantly, Chun's argument is not so much concerned with the material question of leaking and whether data security is or is not possible. Rather, she suggests that leaking is part of the (infra)structural business model of social media platforms. Leaking, in this scenario, is not indicative of a system failure, but rather is an endemic mode of connective infrastructuring in digital communication and organization: digital platforms would most likely not work were they not constantly leaking information – indeed, their connective power, and thus revenue, is premised on leakiness. As Chun and Friedland put it: 'New

media work by breaching, and thus paradoxically sustaining, the boundary between private and public' (Chun and Friedland, 2015: 4).

As such, these platforms counter the popular imagination of what an information container should be. In 'Container technologies', Sofia already suggested that 'not all containers are designed to be impermeable or like the jug capable of outpouring: some are for slow leakage, some for soaking up drips, others for what we hope will be permanent containing' (Sofia, 2000: 192). She further posited: 'An extended analysis of containers would have therefore to examine "incontinence" – various deliberate (as in a colander or coffee filter), catastrophic (like Chernobyl or the Titanic), or merely embarrassing (!) failures of containment' (*ibid*.). This fundamentally challenges the notion of infrastructure as something that only becomes visible when it fails. According to Chun, in order to function, networks must constantly leak. And yet this structural leakiness is not perceived as structural, because leaks continue to be socially framed as failures of containment that reinstate the gendered imaginaries of infrastructures.

By pointing out that leakiness is structural, we do not mean to diminish the misuse of personal data harvested by companies from social media platforms, or any other kind of data misuse, but rather to emphasize that leakiness has become an organizational and business model within platform capitalism. Our point here is not so much to say whether such information disclosures are deliberate or strategic, but rather that the platform itself is designed to allow information to leak at all times. Understanding networked media as essentially leaky infrastructures obviously has implications for how we conceptualize the organizational conditions of information and its political effects. That would entail conceptualizing the Cambridge Analytica case, for instance, not as an anomaly and an organizational breach, but as a structural business model in the platform economy that raises new questions about the societal role of social media platforms, how information control and visibility management are leveraged in the digital age, and the new role of data circulation in political electoral strategies (Flyverbom, 2016). If we keep perceiving information disclosures as anomalies, as infrastructural failures, we miss the ways in which the organization and management of information currently operate through leaking. In other words, the fact that leaks are diminished – because they are associated with gendered infrastructural imaginaries, e.g. with infrastructures that fail to contain – can blind us to their structuring power. Leaks are not the result of broken infrastructures; they are the very structure through which information and power circulate.

Furthermore, the leakiness of these platforms often renders certain subjects leakier than others. Indeed, such leaky platforms all too often reinforce normative perceptions of gendered and sexualized behaviour as equally leaky. Chun and Friedland (2015) note that one of the most visible and vicious consequences of the leakiness of these networked media has been the phenomenon of slut-shaming: the release and public circulation of photographs and videos of women, especially young white women, engaged in consensual and non-consensual sexual acts. Most problematically, instances of slut-shaming often end up placing the blame on women's failure to contain themselves and their intimate sphere, to take responsibility for their own online actions ('don't be stupid enough to expose yourself online'), as if it were not an infrastructural condition that merely reinforces a structural vulnerability. As Chun and Friedland put it: 'Through slut-shaming, machinic and social habits [of leaking] are rewritten as individual habits of leaking' (Chun and Friedland, 2015: 8).[5] These leaky networks thus reinforce the imaginary both of technologies and of gendered and sexual subjects that fail to contain:

> These leaks indicate not only the desire for a privately sealed, protected Web 2.0 but also for a female sexuality and feminized online activity that is similarly sealed and contained. The online discourses that respond to the leak only entrench the sexist politics that suggest the inherently debilitating vulnerability of women. (*Ibid.*: 10)

This discussion of leaky habits, where the leaking platform disproportionately affects young women rendered as leaky online subjects, raises the question of vulnerability in fundamentally different terms than those invoked in traditional hacking circles, which frame vulnerability as a technological weakness to be exploited. Chun and Friedland emphasize that technological infrastructures premised on the continuous exchange of information ultimately reinforce structural vulnerabilities, subjecting the already vulnerable to new forms of vulnerability. Instead of arguing for a more private, contained internet, Chun and Friedland propose to rethink vulnerability as a way to disavow the gendered violence of the leak, and to fight for the right to be vulnerable, to be in public (both online and offline) and not be attacked (*ibid.*: 17).

This infrastructural imaginary matters, of course, for the organizational politics of information. But it also matters on a more fundamental level for how we envision information mediation, containment, responsibility and failure. The act

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5   This overlapping of leaky platforms with leaky subjects has a predecessor in parallels between the AIDS discourse of the 1990s – when gay men or women were conceptualized as 'leaky bodies' lacking control over their bodily boundaries – and computers, which were 'represented as unable to police or protect their boundaries, rendering themselves vulnerable to penetration' (Lupton, 1995: 109).

of glossing over the essentially leaky nature of digital networks with an image of platforms as contained spaces serves to uphold not only platformed but also normative epistemological borders between the public and private spheres.

Only in this infrastructural imaginary of social media platforms can an event like Wylie's disclosure of Cambridge Analytica's use of social media data become an information scandal. In this infrastructural imaginary, the individual users – and the platforms – are still contained entities where leaking equals infrastructural failure. Yet, as queer theorist Eve Sedgwick showed in her landmark *Epistemology of the closet* (1990), this binary construct of 'secrecy/disclosure' holds its own normative distinctions formed by gendered and sexualized trajectories. At the heart of Sedgwick's work is a challenge to the 'secrecy/disclosure' binary, which she suggests is a social construct that has historically shaped contemporary queer subjectivities. Following Michel Foucault, she explores homosexuality as the backbone of modern ways of knowing: modern power is based on the knowledge of secrets, or as she puts it, modern power is organized around the figure of the closet. The closet here could be equated with a container technology: what it contains (what is closeted) and what it spills or leaks (the act of coming out) structure the modern organization of knowledge.

Queerness, then, rather than disrupting the social order, is constitutive of the ways of knowing that shape social life (*ibid.*: 52). It follows that Sedgwick altogether rejects the idea of information disclosure as 'truth-speaking', arguing instead that the impulse towards disclosure is an ideological trap that is already encoded into social order. Rather than 'the truth', what we get with disclosures is a spectacle, a ritualized convention that has little to do with any form of truth. To put it differently, instead of speaking truth to power, these disclosures (these moments of coming out) speak the truth *of* power. It is essentially how power operates.

Drawing on Sedgwick's epistemology of the closet, Chun proposes the term 'epistemology of outing' to describe this phenomenon of outing secrets that were never secrets to begin with. This epistemology, Chun suggests,

> extends beyond – encompasses, bleeds into – other forms of exposure that are not obviously related to sexuality. To be clear, this is not to say that sexuality is irrelevant; it is rather to see the logic of the outing (inside/outside) as structuring communication more broadly... Most pointedly, the epistemology of outing depends on the illusion of privacy, which it must transgress. (Chun, 2016: 151)

The disclosures performed by Wylie, and their mediated effects in *The Guardian* and other media outlets, thus participate less in an act of truth-telling and more in a fundamental epistemology of outing, exposing what was already an open

secret rather than laying bare a truth that had hitherto been contained. It is therefore telling that Wylie sutured the disclosure of Cambridge Analytica's misuse of Facebook data to the disclosure of his own homosexuality ('whistle-blowing on himself', as one queer media theorist phrased it in a post on Facebook), laying bare the epistemology of outing at play in networked parrhesia. The Cambridge Analytica disclosure, like the many other disclosures that came before it, thus functions as a performative informational gesture that entrenches an epistemology currently built into information networks. An epistemology structured by gender and sexuality that ultimately demarcates truth-telling bodies and their attendant infrastructural imaginaries.

Conclusions

Every year seems to bring another spectacular leaky whistle-blowing and hacking scandal. With each scandal comes a wave of public outrage, and often a sentiment that finally the truth has been exposed, evil-doers outed, and the veil lifted so that the public can now see the truth for themselves. At the same time, however, these scandals are so recurrent that disclosures of information are steadily becoming habitual in contemporary networked information landscapes. The proliferation of outlets for information disclosure, from WikiLeaks to GlobaLeaks, AfricaLeaks, MormonLeaks and The Intercept (the list could go on), attests to the normalization of disclosure worldwide. As this article suggests, the acts of truth-telling enabled by these digital parrhesiastic spaces are structured around a set of complex political and epistemological mechanisms and assumptions that raise questions not only about what is meant by truth, but also about how it is scaffolded infrastructurally by gendered and sexualized assumptions, and how these intersect with political and economic regimes.

This article has put forward three main arguments. Firstly, we have shown that truth-telling practices are entangled in gendered matrices of control that make possible some truth-telling subjects while foreclosing others. Drawing on feminist infrastructure studies, we have shown how gendered and sexualized imaginaries overdetermine what counts as truth and who counts as a truth-teller. We have argued that truth-tellers can indeed be ignored and even made impossible, assigned instead to other, less morally revered or dignified infrastructural imaginaries such as tattling or assisting.

Secondly, we have shown how these matrices of control are underpinned not only by human relations but also by the socio-technical imaginaries that mediate truth-telling practices. We have argued that the gendered imaginaries of truth-telling in particular inform normative distinctions between whistle-blowing,

leaking and hacking, whereby whistle-blowing and hacking are socially constructed and perceived as active gestures, while leaking is viewed as a passive failure of containment. We thus approach the familiar categories of whistle-blower, leaker and hacker not as ontological figures, but as infrastructural imaginaries embedded in socio-technical apparatuses that echo and amplify the gendered imaginaries of truth-telling. A leak is a gendered infrastructural imaginary of the passive female's failure to contain truths, while whistle-blowing and hacking are gendered imaginaries pertaining to active gestures of truth-telling through spectacle and transgression.

Yet, to complicate such binary distinctions, we have argued thirdly that while heteropatriarchal matrices of control are at work in truth-telling practices, the binary assumptions of these gendered infrastructural imaginaries can also be reinstated by queer subjectivities that purport to subvert such binaries. Thus, the leak can be made to signify not the breach but rather the entire networks through which truths are told. Indeed, as Chun (2016) notes, networks *are* leaks.

Through an analysis of the Cambridge Analytica case, we have argued that the leak is more than a system failure: it has been adopted as a business model by social media platforms, and thus has become an endemic mode of connective infrastructuring in digital communication and organization of information. These leaky platforms fundamentally counter the popular conception of what an information container should be. No longer a sealed-off containing infrastructure that holds information (and occasionally fails and leaks), these platforms operate through an infrastructure of information that must constantly leak in order to function properly. Yet, this constant leaking continues to go unnoticed, as leaking is still perceived as a failure and not a norm. Moreover, we have suggested that these leaky platforms reiterate gendered and sexualized behaviour, reinforcing structural vulnerabilities already in place, equating leaky platforms with leaky bodies. Finally, the article has demonstrated that these platforms are premised on an epistemology of outing that exposes what was never a secret to begin with, since on leaky platforms the secret, the closet or the container no longer hold. These acts of truth-telling, rather than laying bare a truth that has hitherto been contained, function as performative gestures that entrench an illusion of containment by which information networks no longer operate. These negotiations between invisible infrastructural work and visible, sometimes even spectacular effects show that gendered imaginaries structure the modern organization of knowledge, yielding substantial material and ethical effects.

What are the wider implications of these arguments, not only for truth-telling and organizations, but also for social life more broadly? Firstly, recognizing such gendered imaginaries is not only a matter of theoretical importance, but also a

practical question of security and justice for female-identifying truth-tellers. The foreclosing of female-identifying subjectivities as whistle-blowers and their consequent invisibilization make them much more vulnerable to legal injustice. Thus, as Harrison (Abraham, 2018) notes, despite being deprived of the normal rights in prison, despite being in solitary with no access to books or the meals she needs for her dietary requirements, Reality Winner 'didn't arrive in the world with videos on front pages of websites, as Snowden did' (*ibid.*). She 'was caught out by the journalists she went to' who 'fucked up and accidentally gave her away', and now 'she's in a terrible situation with nowhere near the media coverage [of others]' (*ibid.*). Sarah Harrison and her allies are trying to keep Winner's plight in the public domain, but also, on a more fundamental level, to alter the conditions for future female-identified truth-tellers.

In the wake of #MeToo, as many have pointed out, increasing attention is being paid to women blowing the whistle on sexual harassment and assault (Hickerson, 2018). However, the frequent devaluing and discrediting of such truth-telling gestures also has to do with strategic demarcations between public and private spheres that sorely need to be challenged. Often, claims of sexual misconduct are deemed dubious and flawed when measured against the testimony of more powerful (white/male/affluent) subjects; but they are also deemed minor, private matters and pitted against the much more relevant public sphere of business and politics. In a recent op-ed in *The New York Times*, Anita Hill analyses Brett Kavanaugh's confirmation proceedings. Almost thirty years after her own testimony against judge Clarence Thomas, Hill argues that the Kavanaugh proceedings – which ultimately dismissed Christine Blasey Ford's claim that she had been sexually assaulted by the young Kavanaugh – are another example of sexual misconduct being rendered unworthy of public interest and with no bearing on public life (Hill, 2018). The Kavanaugh proceedings have further shown how truth-telling gestures can be especially dangerous for women within new parrhesiastic spaces: Ford testified to being doxed on Twitter following her revelations, which forced her family to move several times. The intersection of truth-telling and networked technologies, as we have suggested, thus also raises new challenges that not only devalue certain truth-telling bodies but also expose them to new risks.

Another important question raised by the #MeToo movement is how networked technologies, while enabling new forms of truth-telling, can also entrench structural inequalities among female-identifying truth-tellers. As many have pointed out, black women's long-standing work on gender and racial justice was and continues to be obfuscated by the white celebrity feminism that seized the spotlight of #MeToo. Not only was the pioneering work of civil rights activists, from Working Women United to Black Lives Matter, left out of genealogies of

truth-telling, but even the hashtag #MeToo was repurposed from the name of a movement launched ten years earlier by black writer and activist Tarana Burke, while the actor Alyssa Milano was initially credited with starting the hashtag on Twitter (Purtill, 2017; White, 2017). In many ways, the collective mobilization around #MeToo is the result of the labour of women of colour who paved the way for the public recognition of sexual harassment and abuse in workplace cultures. Yet, the movement has been co-opted by debates that prioritize the experience of victims who are mostly white, wealthy, famous and privileged over those who are not. Black feminist legal theorist Kimberlé Crenshaw, who coined the term 'intersectionality' and assisted Anita Hill's legal team in 1991, has also pointed out that much more work needs to be done to highlight and fight the intersected impact of such experiences in the context of race and gender alike (Crenshaw, 2018). What we would like to add to this plea is that such intersectional interrogations also need to consider the infrastructural imaginaries of networked spaces and how they contribute to valuing and devaluing certain subjectivities and truths at the expense of others, as recent work on 'platform feminism' demonstrates (Singh, 2018).

If some advances have been accomplished as a consequence of the #MeToo movement, another question that needs to be raised and kept in mind is whether women will be taken seriously when they blow the whistle on matters other than sexual violence (Hickerson, 2018). We need to remain attentive to prevent other forms of gendered and essentialized truth-telling from taking shape, such as women being considered capable of denouncing sexual harassment and abuse, but not matters that are considered to be specialized (and thus masculinized) such as corporate fraud, human rights violations and state secrets.

A second implication that we draw, then, is that academics should act in solidarity with this endeavour by confronting, negotiating and complicating the gendered work and imaginaries of truth-telling. As this article shows, recent work within organization studies has begun to undo some of the gendered assumptions of parrhesia, and we argue that feminist media and infrastructure studies offer productive avenues for pursuing this confrontation. However, given the moral issues at stake, the new communication networks that are emerging, and the business models that underpin them, much more work is needed to effectively counter and uproot the heteropatriarchal matrices that control not only what can be said but also who can speak and how they may speak. Understanding networked media as fundamentally leaky infrastructures, as we suggest, holds important implications for how we conceptualize the organization of information, and consequently for how we conceive of and intervene in its changing and emerging political effects. Moreover, it opens up to a new ethics of communication which, instead of retreating into individualizing, purified and

weird notions of privacy, accepts the existentially vulnerable truth that we touch all the time (Chun, 2018). Indeed, with politics seeping into the background of infrastructures, in what may meaningfully be referred to as a form of 'infrapolitics' (Thylstrup, 2018), critique and dissent may have to take the form of infrastructural intervention. The politics of infrastructures thus require us to be attentive not only to the loud materializations of the political spectacle, but also to the low frequencies of infrastructures and their quiet yet no less resounding effects (Campt, 2017). Beyond truth-telling, what this means for organizations, and societies more broadly, is that infrastructures matter because they fundamentally determine whose knowledge and labour are valued, and which subjectivities, voices and bodies come to count in social and public life.

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Citizen duty or Stasi society? Whistleblowing and disclosure regimes in organizations and communities

Steven Sampson

abstract

This paper argues that the concept of whistleblowing could best be understood as part of a larger regime of disclosure that includes personal revelations, truth-telling, leaking, informing, snitching and whistleblowing. Disclosure regimes are about knowledge that escapes. This paper discusses the conditions for this escaped knowledge and some of the consequences for organizations and communities. Two examples of disclosure regimes are provided: first, the US Government's financial rewards for whistleblowing, in which disclosed knowledge of company wrongdoing can be packaged for company sanctions and courtroom litigation; and second, Scandinavian community informing programs where citizens can anonymously inform authorities of neighbours' suspected welfare cheating or tax evasion. The examples of knowledge that escapes show disclosure regimes to be a field in which organizational or community loyalties confront employee/citizen duties, cultures of organizational/community solidarity and the ethos of non-interference/privacy. As new disclosure regimes and practices evolve, thanks to massive financial rewards, encouragement of transparency and anonymous technologies, we will need to redefine what whistleblowing is all about. A focus on disclosure regimes can help reveal the inner workings of organizations or communities, as knowledge managing groups.

Introduction

Organizations channel resources to achieve goals.[1] In doing so, they must organize knowledge. This organizational knowledge is distributed within strict hierarchies, specialized sections, flexible teams or informal cliques. Whistleblowing disrupts this knowledge distribution. In our conventional understanding of whistleblowing, an employee or someone with inside knowledge discovers certain practices, known in the literature as 'wrongdoing', and discloses knowledge of these practices to someone outside the knowledge hierarchy: an unaware superior, the company's ethics unit, or an outside authority. These recipients of knowledge should somehow rectify the wrongdoing (Near and Miceli, 1985, 1996; Miceli et al., 2008). In addition to this specific correction process, disclosing knowledge of illicit practices also sets in motion other connected processes. There may be retaliation against the truth-teller/whistleblower, unwanted publicity for the firm, branch-level reform measures and legal sanctions imposed by the outside authority. Research on whistleblowing, operating with a definition grounded in organizational life, has understandably focused its attention on knowledge escape within organizations and on how the whistleblower decides to disclose knowledge (e.g. Miceli et al., 2008). The standard approach to whistleblowing as something that occurs within organizations has its merits, since all scientific concepts need to be demarcated in order to be analytically useful. Yet the disclosure of knowledge is not just something that happens to organizations or firms. Knowledge can escape in different forms, only one of which is whistleblowing. Social life of all kinds is predicated on combinations of knowledge control and knowledge distribution processes. In families, for example, private, intimate, or scandalous knowledge should be kept within the family; it should not reach the neighbours or the gossip pages. In a community, the affairs and conflict within the group should be confined to bona fide community members. In social groups or tribes, the sacred tribal knowledge should be held in trust by the tribal elders. Initiation rites in lodges or tribes are in fact the disclosure of secret or sacred knowledge to others. In all kinds of settings, the penalties for unwittingly discovering or deliberately disclosing this kind of knowledge to outsiders can be severe, whether it be an initiation right in a lodge, or a secret tax shelter of a company. Every organization, community, or social group has its own type formal or informal 'non-disclosure agreement'. Every social group endeavours to ensure that their

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private, internal, confidential, sensitive, secret or sacred knowledge does not reach the wrong people, be they the uninitiated, outsiders, authorities, or the media. Unauthorized disclosure (via espionage, leaking, hacking, unwitting dissemination or whistleblowing) is a threat to those who consider themselves the guardians of the firm/family/tribe/group. Knowledge must be protected or controlled. Escaping knowledge is dangerous.

As we know, many such efforts to control, protect and restrict knowledge often fail. Family secrets get discovered; corporate slush funds are revealed, etc. We live in an age of disclosure. At the personal level, many of us now revel in revealing our most private thoughts or anxieties to strangers, colleagues or online 'friends'. Social media is filled with people unburdening their revelations, confessions, projects, successes, failures, addictions, gossip and accusations. Aside from voluntary disclosures of this kind, other knowledge is unwittingly leaked, aggressively stolen or coerced out of us by hackers, authorities and threats. This escaped knowledge thrives in an age when the pursuit of transparency, here understood as seeing through the surface or revealing the hidden essence, is a moral imperative (Sampson, 2019). We are encouraged to be transparent ourselves, to disclose voluntarily (Heemsbergen, 2016) or to shine the flashlight on suspicious practices, in what one scholar has called 'the tyranny of light' (Tsoukas, 1997). Whistleblowing, and the cult of the whistleblower (the hero who reveals secrets and who needs protection from retaliation), is thus part of this disclosure and transparency configuration. Not all disclosed knowledge achieves its intended impact – politicians can brush off accusations or shoot the messenger (or put them in prison or exile, as Assange, Manning and Snowden can attest). Yet modern life, both in organizations and generally, is now dominated by the contradictory efforts to prevent knowledge from escaping and by the push toward disclosure, be it disclosure motivated by personal revenge against an employer or disclosure in pursuit of some kind of transparency ideal. We live, I would assert, within overlapping 'disclosure regimes', in which pressures for secrecy and confidentiality, to respect formal and informal non-disclosure agreements, are threatened by the prospect of escaping knowledge. Those who guard knowledge never know when that secret file, the confidential e-mail, the suspicions bank transaction, the immoral relationship, the unauthorized favour, or the untoward practice will come to the attention of others outside our circle. Not all this disclosure is of earth-shattering significance, of course, as gossip magazines show. But both the various imperatives toward openness and transparency (Han, 2015) and the perceived benefits that people can derive from obtaining and curating escaped knowledge serve to prop up these disclosure regimes. No knowledge is safe.

We will find disclosure regimes emerging in situations and sites where our ties to 'our' organizations or communities are more tenuous, or where sanctions that could have been brought to bear (tradition, discipline, unquestioned authority, fear) are not as effective. In the era of flexible employment, workers have less loyalty toward their organizations; whistleblowers, even if threatened, now have some 'rights' or at least 'protection from retaliation'. Thanks to anonymous digital platforms, more knowledge can be procured and can escape more easily (no more nights at the photocopy machine, just get the right password and click 'send'). Hence, for every effort by firms or organizations to upgrade their secrecy and confidentiality, for every additional level of 'need to know', there also appear new opportunities for disclosure, new channels to distribute the escaped knowledge, new ways to valorise this knowledge and new potential recipients 'out there'. Not a day passes when we do not have new revelations, new accusations, new disclosures, from *MeToo* to municipal kickbacks to embarrassing videos to the thousands of pages of an offshore law firm that were the Panama Papers.

In this buzz of disclosures, I wish to suggest that we view whistleblowing as part of a much larger set of practices which cross-cuts not only firms and organizations but which also includes social groups, communities, neighbourhoods, or associations. The disclosure practices that we call whistleblowing resemble similar processes that take place in other social groups, all of which consist of 'knowers' (Barth, 2002). What we call 'organizing', therefore, is not just the disciplining of groups or persons to achieve goals. Organizing is the actions of people who organize, control, dispense and re-distribute knowledge. Shared knowledge is what makes groups, associations, organizations or firms. But under certain conditions, this intimate knowledge either escapes through the wrong channel (an unauthorized leaker) or is purposely disclosed by someone who is supposed to keep the knowledge secret (the gossiper, the accountant, the vengeful whistleblower). This kind of unauthorized dissemination of knowledge has greatest impact when it reveals gaps between the ideally proclaimed and actual practices of social groups, as gaps of this kind call into question the moral foundations of the firm, organization or group. Escaping knowledge is thus a moral, even existential threat (as the Catholic Church paedophile scandal shows).

I call this set of practices surrounding the escape of knowledge a 'disclosure regime'. These practices are limited to the unauthorized distribution of knowledge, i.e., knowledge escaping. As such, disclosure regimes operate under various types of incentives. The knowledge can originate and flow over different channels, there can be diverse content, and the escape of knowledge can have varying outcomes for both the 'knower' who reveals and for the recipients. Disclosure regimes thus have an 'order', in the sense that they are not simply

deviant or chaotic. They are the underside, the mirror image of formal knowledge regimes. They are a type of knowledge *mis*management, what might be called 'renegade knowledge'. Let me give a simple example of a possible disclosure regime within a firm. Here the most benign kind of escaping knowledge might be corridor gossip about the firm's financial manager who has suddenly been fired. Were the content of the gossip to change from the manager's unexplained firing to the fact that this same manager was responsible for the firm's illegal tax shelter, and were the information heard in the corridor to be transmitted to the FBI's white collar crime hotline, then the benign 'gossip' would become more threatening 'whistleblowing'. And if this whistleblowing information were packaged in such a way, perhaps with the help of a lawyer, into a legal complaint, we would have the possibility of a trial, with the resulting bad publicity for the firm, financial compensation paid to the whistleblowing employee, and possible retaliation by the firm for breaking a non-disclosure agreement. It is in scenarios such as this that show how disclosure regimes in firms have a special constellation of features. We could outline sets of incentives, types of information, channels of transmission, and various impacts, including the way authorities and organizations react.

In this paper, therefore, I will show how disclosure regimes (the practices surrounding the escape of knowledge) can be compared. In this sense, I will seek to show that whistleblowing in organizations is only one moment in one kind of regime. Hence, whistleblowing can be compared to other ways in which knowledge escapes, which may be different in other kinds of disclosure regimes. We can sketch out the variations in which escaping knowledge can be selected, conveyed, packaged, curated, rewarded or sanctioned. I will therefore begin by outlining some further general characteristics of a disclosure regime, attempting to show why an understanding of 'knowledge that escapes' may be useful in studying whistleblowing. In this way, we may also help elucidate the oft-discussed question of why so much illicit behaviour in firms is still not reported. I then discuss in detail two types of disclosure regimes: firstly the U.S. Government whistleblower reward system used by several agencies to expose corporate financial wrongdoing or corruption; and secondly, the citizen 'snitch' system in Denmark and Sweden, in which citizens can anonymously inform local authorities of neighbours whom they suspect are cheating on welfare benefits or taxes. By comparing two kinds of disclosure regimes, one that subsumes corporate whistleblowers, the other in Nordic welfare states, one that gives rewards, the other that allows personal revenge, we can better understand the broader issue of how 'organizing' works, how knowledge is managed, and what happens when knowledge escapes. Let me therefore provide more clarification of what disclosure is all about.

What is a disclosure regime?

A disclosure regime is a set of practices which formally or informally regulate the escape of knowledge. This 'regulation' can take the form of preventing, encouraging, rewarding or punishing such escaped knowledge. (I use the term 'regime' here because even though disclosure practices may begin as informal or unofficial, they invariably interact with some kind of institutional or regulatory authority, such as a council of elders, courts or a local government; terms such as 'disclosure assemblage' or 'disclosure complex' might serve equally well). Disclosure regimes operate in all kinds of social groups. This is because social groups are held together by organizing their 'resources', and one of these resources is knowledge. Every system of knowledge control – whether embedded in a family, a firm, an association, a club, a bureaucracy, an intelligence agency, or a group of tribal elders – attempts to keep certain kinds of knowledge within closed circles, as confidential or secret. The closed/secret nature of this knowledge makes it attractive, or even valuable, to others. Knowledge-handlers selectively release or dispense certain knowledge in order to maintain power, show status, or neutralize rivals. If power is about control over knowledge, a disclosure regime dilutes this kind of power by regulating how knowledge escapes. The incentive to disclose intimate knowledge may be a combination of personal compulsion, revenge or external reward. Someone in the know, or with access to knowledge, discloses this knowledge beyond the group. The 'escaped knowledge', such as a leak or whistleblowing, alters vectors of power and influence. The escape of knowledge, is a special moment in an organization's life; once the disclosed knowledge becomes widely known, its value changes; the well-kept secret may become 'old news' and quickly forgotten; or it becomes recurring 'gossip' in a magazine; or it may be a scandal that must be cleaned up using image experts; or the knowledge may become a more radical 'game changer' for the organization, compelling it to reorganize itself; or it may become damning evidence in a trial, bringing down the firm entirely (e.g. Enron and Arthur Andersen).

One final aspect of disclosure is its pervasive character. Like transparency, escaped knowledge seems to overflow its bounds, existing as a potentiality in any group. Hence, the very threat of disclosure will be part of the daily environment for those whose task is to ensure control over knowledge, much like we all now fear someone hacking into our personal computer and emptying our bank account. This potentiality of disclosure is especially serious for knowledge that may be deemed morally suspect or legally objectionable, i.e., the kind of escaped knowledge that reveals discordances between declared ideals/morality and actual practices (e.g., sexual abuses in the Catholic Church, in Hollywood, in the Swedish Academy, or in the illicit financial dealings in the Panama Papers or

Danske Bank). A disclosure regime thus operates with a range of possible incentives, carriers of knowledge, content of knowledge, potential channels of conveyance, and of course, numerous possible outcomes and impacts, ranging from financial reward, good or bad publicity to both the knower and the organization, or retaliation against the teller of secrets or the whistleblower.

A disclosure regime does not mean that we live in an era of total transparency. Secrecy and transparency are in constant confrontation, as all social life and organizational operations depend on certain amounts of personal privacy and organizational confidentiality (Birchall, 2011). On the transparency side, activist groups, the media and the public are preoccupied with uncovering restricted knowledge. On the privacy side, firms fearing escape of their knowledge now emphasize their rights to privacy, secrecy, confidentiality and non-disclosure agreements. At the individual level as well, we are all trying to protect ourselves from the impositions of marketing firms, hackers or government organs who are trying to learn about our daily habits and intimate lives. We do not want knowledge about our private life to fall into the wrong hands. In this nexus of knowledge control and knowledge escape, of privacy protection, fear of surveillance, transparency pressures and disclosure threats, two contesting issues emerge: Those who have seen their knowledge escape ask, 'How did they find out?' or 'Who told the secret?'. And for those who have discovered or been given access to this escaped knowledge, the issue is 'Why didn't we know about this earlier?'. This confrontation between those pursuing secrecy versus those pursuing transparency leads to political projects of renewed knowledge control (more surveillance of potential leakers in firms, more data privacy for individuals), followed by renewed campaigns of transparency and mandatory 'reporting' regulations (about sustainability, registration of financial transactions, listing of number of complaints handled, setting up hotlines, public lists of sexual offenders, etc.). Disclosure practices thus create and are then subjected to political pressures, policy guidelines, statistical indices and regulatory discipline. In this way, certain informal disclosure practices become institutionalized. They become genuine 'regimes' with the governance discourses these entail. The emergence of whistleblower protection laws covering ever greater sectors of both business and the public sector is one example of this institutionalization of disclosure regimes (Olesen, 2019; Vandekerckhove, 2006). Sexual harassment hotlines are another. To take one more example: in Norway and Sweden, two societies which value individual privacy, public pressure about unequal incomes has led to a situation where anyone can find out about anyone else's individual incomes and their mortgage loans. In a disclosure regime, politicians and officials who once had to deal with requests to release information on a case by case basis must now justify why they do *not* release all information at once. Knowledge based on 'need to know' is replaced by the pressure of 'public

interest' or the requirement to justify nondisclosure. I argue that we have reached a kind of tipping point in the struggle between knowledge control and disclosure, where disclosure is getting the upper hand, even as individual disclosure actors are imprisoned or in exile.

Disclosure practices take place within the tense relation between employees and employers, between citizens and the state, and between people and each other inside workplaces or communities. In this sense, whistleblowing lies on a continuum of disclosure practices that extend from personal confessions, revelations of being abused by others, the leaking of illicit secrets to the press or state authorities, to informing on one's workmates and neighbours for individual gain or revenge, to the radical disclosure of the hacker, and to the organizational dissidence that we know as whistleblowing. This continuum of disclosure practices may be found in many disclosure regimes and in different variants. Hence, few scholars would describe the Scandinavian case of neighbour informing as whistleblowing, in so far as the conventional definition of whistleblower revolves around the organizational insider who reveals knowledge of wrongdoing. On the other hand, whistleblowers are often accused by their colleagues of breaking a private loyalty, of being 'snitches'. Snowden, for example, is a whistleblower only for those who support him; for others he is a criminal. Similarly, it seems equally awkward to view the Scandinavian homeowner who sees his neighbour abusing the welfare system as some kind of snitch or 'informer' of the Stasi variety. The Stasi informer collaborated with the secret police, perhaps for some reward. The Scandinavian 'snitch' is presumed to have some higher mission, to redress an illicit practice; in this case welfare abuse. There is no reason why police informer and whistleblower systems could not exist simultaneously, as they in fact did in the Soviet Union (Lampert, 1988). The decisions by ordinary Danes and Swedes to inform authorities about the illegal practices of their neighbours has many elements of the whistleblowing process (identification of wrongdoing, the decision to report, the reaction of authorities). Like whistleblowing, the motives for informing may range from a feeling of civic duty to simple envy or revenge, again echoing the contrast between personal, private and public motives in the whistleblowing literature (see also Roberts, 2014). Calling Scandinavian informing Stasi-like, as some Danes have done, would therefore be a misnomer. The point here is that both whistleblowing and informing are part of different disclosure regimes and are perhaps better understood as part of a disclosure continuum. Using the two examples, I will try to show that organizational whistleblowing and Scandinavian informing may have some underlying commonalities, especially as regards loyalty and integration in social groups. Both could be viewed within a larger framework of escaping knowledge, or knowledge mismanagement if you will. This is because it is not just organizations or firms that exercise 'knowledge

management'. So do communities, neighbourhoods and social groups of all kinds. Where there is such management of knowledge, we can thus expect instances of knowledge mismanagement, of knowledge that escapes in the form of whistleblowing, snitching, revelations, and leaks. All can be found in various disclosure regimes.

Disclosure regimes themselves do not mean we are a better informed society (Flyverbom, 2016; Flyverbom and Albu, 2017). Unauthorized release of information (what Heemsbergen (2016) calls 'radical disclosure') still requires that the liberated knowledge be digested, interpreted and utilized before it becomes useful. Snowden, for example, did not give us 'knowledge', he released data dumps (Gladwell, 2016). It was only when the data was analyzed that we gained the political knowledge that the National Security Agency was spying on American citizens; the outcome of this release of knowledge remains unclear, not just for Snowden, but for the U.S. political system.

Escaped knowledge does not travel in a vacuum. The knowledge becomes linked to or appropriated by other actors who try to manipulate it for their own ends. In this sense, disclosure creates new kinds of knowledge control processes. Private firms and government agencies now employ an army of communications specialists whose task is to control knowledge. They monitor employees' communication, search for leaks, confront whistleblowing accusations, deal with freedom of information requests, handle employee complaints and threats to go public, and make strategic disclosures of sensitive information before it escapes through the wrong channels. In so far as knowledge is about seeing, we might regard this frantic activity of knowledge control as 'visibility management' (Flyverbom, 2016) supplemented by 'voluntary disclosure' (Heemsbergen, 2016). Two tendencies cross paths: first, firms, organizations and individuals want to restrict, or in any case curate, what others know about themselves/ourselves. They thus restrict or package the knowledge in discreet or obtuse ways. Second, individuals or partisan actors are searching out knowledge that is 'ripe for escape' and then disclosing this knowledge outside the legitimate channels: Snowden gave his data to the journalist Glenn Greenwald, others give or sell their knowledge to WikiLeaks, gossip columns, marketing firms, law offices, or intelligence organs. Organizations and groups need to conceal some knowledge for normal or special operations while confronting the pressures for disclosure based on an ethos of transparency or to alleviate suspicion.

With the concept of disclosure regime, we can understand the kinds of knowledge that are embedded in various kinds of social units. We can investigate not just who has access to knowledge but also who discloses what to whom. This kind of approach requires us to discover how knowledge within organizations or

other social groups is generated, managed and distributed, and to identify how knowledge can escape from its social framework. In a firm, the insider-whistleblower is one channel of such knowledge escape. Another is the police informer sent in from outside. A third is the concerned citizen who discovers abuse. A fourth is the individual who reveals their own victimization in the hope that others will also come forward. Other channels can be listed, of course, but my point here is to view whistleblowing in organizations within a larger disclosure-based framework.

Two case studies of disclosure regimes

Here I wish to provide two examples of how the process of disclosure might operate. In both cases, knowledge of internal or private wrongdoing is exposed to an outside authority with the intention that some kind of action be taken. This action overlaps with the standard definitions of whistleblowing as articulated by Near and Miceli (1985, 1996; see also Miceli et al., 2008) and by Jubb (1999) (despite their differences).

The two examples I will use are (1) three (of the many) U.S. government whistleblower programs: the *False Claims Act qui tam* provisions, the *Securities and Exchange Commission* (SEC) and the *Internal Revenue Service* (IRS), all of which offer financial awards to those who expose government fraud, corporate financial crime, tax evasion and corruption; and (2) citizen 'informing' systems in two Scandinavian welfare states (Denmark and Sweden), where people can report their neighbours to the authorities for cheating on welfare benefits or taxes.

The U.S. Government programs, which can reward whistleblowers with millions of dollars, make it possible for whistleblowers to 'Do good and get rich' (Callahan and Dworkin, 1992). In Denmark and Sweden, informing the local authorities of neighbours abusing welfare benefits is a system of tipstering, variously described as 'civic duty' or 'snitching'. As will be shown, the Scandinavian welfare authorities are ambivalent about offering citizens the ability to inform on their neighbours.

The two examples were chosen not so much because they are new or unique. Rewards (bounties) for informing the government of illegality have a long history, especially in the U.S., with several discussions of both ethical dimensions and the relative costs and benefits (cf. Carson et al., 2007; Dworkin and Brown, 2013; Faunce et al., 2014; Howse and Daniels, 1995). Nor is the ability to tip off the authorities about swindling neighbours; most countries have

some kind of hotline system. What is new, however, are the scale of incentives (potential pay-outs of millions of dollars in the U.S.), the ease with which accusations can be made (with the help of lawyers in the U.S. and/or new technologies in Scandinavia), and the possibility to report anonymously (both U.S. and Scandinavia). In both cases, these disclosure acts reflect people's confrontation with organizational loyalty, a topic much commented upon in the whistleblowing literature (De Maria, 2008; Miceli et al., 1991; Near and Miceli, 1985; Roberts, 2014); and in the Scandinavian case, informing authorities about tax or welfare fraud, while it may be encouraged as civic duty, is also viewed as a breach of community solidarity, social trust, and individual privacy.

These two examples are particularly instructive because they reveal some of the ways in which disclosure regimes can be 'stretched' beyond the particular whistleblower-in-the-firm case. In both cases, disclosure is prodded, reworked and curated, while being attached to regulatory authorities. In the U.S. example, the promise of financial rewards is a clear incentive to obtain and disclose controlled knowledge from the private sector. The whistleblower has not only obtained knowledge; the whistleblower has a commodity to sell. In the Scandinavian example, community solidarity is breached by the rise of social indignation towards others who are viewed as abusing communal resources; 'snitching' becomes the weapon of egalitarian ideology (stealing from the collective) or personal revenge. In both the American and Scandinavian cases, however, disclosure regimes reconfigure social connections and loyalties. Knowledge that escapes invariably means loyalties that dissolve. Let us therefore look more closely at the two cases.

The U.S. whistleblowing regime: Truth, power and money

In the United States, there are no less than 55 federal whistleblower protection laws, and nine federal laws explicitly allowing financial compensation for whistleblowers (summarized in Kohn, 2017; see also www.kkc.com). As both whistleblower attorneys and researchers have noted, whistleblowers are now encouraged more by the incentives for financial compensation than what was formerly 'protection from retaliation' (Dworkin and Brown, 2013; Faunce et al., 2014; Kohn, 2017). U.S. government prosecutors focus on the quality of the information provided rather than the whistleblower's motivation for coming forward. Of the major reward programs, the three most frequently used are the False Claims Act, the SEC Office of the Whistleblower and the IRS Whistleblower Program.

The False Claims Act

The False Claims Act, first enacted in 1863 and revised in 1986, is aimed at firms suspected of defrauding the government, typically through false invoicing of contracts or overpricing (summarized in Carson et al., 2007 and Doyle, 2009). The False Claims Act enables individuals who have knowledge of firms defrauding the government to sue the firms on behalf of the government, known as *qui tam,* and to obtain a portion of the punitive damages. *Qui tam* legal proceedings are not whistleblowing per se, but the cases rely on the kind of insider knowledge that a whistleblower would have, and therefore I include it as part of a disclosure regime. Under the *qui tam* provisions, the Government may choose to join or not join the case, but in either case, the claimant (called the 'relator') can receive up to 25% of the total settlement. In its latest revision, the False Claims Act now allows for treble damages, such that the whistleblower claimant, usually assisted by private legal counsel, can in many cases be awarded several million dollars. Since 1986, 11,980 *qui tam* cases have been litigated, and the U.S. government has recovered 41 billion dollars. Of this amount, the claimants (relators) have been paid 6.5 billion dollars in awards (https://www.justice.gov/opa/press-release/file/1020126/download). In 2017, alone, on the basis of 671 cases, the government obtained 3.7 billion dollars in settlements under the False Claims Act, of which 392 million dollars was paid directly to whistleblowers (U.S. Dept. of Justice, 2017). One of the most well-known *qui tam* cases was that of Tour de France cyclist Floyd Landis, who blew the whistle on his fellow team member, Lance Armstrong, for doping and misrepresentation (Armstrong's team, 'US Postal', was sponsored by a government agency, the postal service). Although Landis himself had confessed to doping and had to repay 800,000 dollars to US Postal, he also received an award of 1.1 million dollars for providing information on Armstrong's false claims to the government (the total settlement was five million dollars) (*The Guardian*, 2018). Some of the False Claim Act settlements are truly spectacular. In one pharmaceutical case, with a 280 million dollar settlement paid by the pharmaceutical company to the government, the whistleblower who brought suit received 78 million dollars (Benzinga, 2017).

With cases like this, little wonder that there are now several major private whistleblower and *qui tam* legal firms advertising to help whistleblowers prepare their cases, for which the firms receive a generous percentage of the settlement. One example is the firm of Kohn, Kohn and Colapinto (KKC) which advertises itself as the 'Nation's Leading Law Firm for Whistleblower Protection'. KKC's website (www.kkc.com) lists dozens of successful settlements, and partner Stephen Kohn has authored the authoritative *The new whistleblower's handbook* (Kohn, 2017), listing all the various laws and *qui tam* provisions (Kohn is also

representing the Danske Bank whistleblower Howard Wilkinson and accompanied Wilkinson when he testified before the Danish parliament in October 2018). KKC is also a major force behind an NGO known as the National Whistleblower Center (www.whistleblowers.org).

The SEC whistleblower program

The *Securities and Exchange Commission* (SEC) office of the Whistleblower program was established in 2010 under the Dodd-Frank Act for Wall Street Reform and Consumer Protection (www.sec.gov/whistleblower). The program focuses on SEC's target group, which are publicly traded companies, stock and bond markets, etc. The SEC program allows whistleblowers to report financial irregularities or corruption to the U.S. Securities and Exchange Commission (which oversees financial transactions and other potential economic crimes). The whistleblower can come forward by name or can report anonymously, in which case they are represented by an attorney. The whistleblower need not be an organizational insider, nor must they be a US citizen.

According to the SEC statistics (U.S. Securities and Exchange Commission, 2018), about one-quarter of whistleblowers report anonymously (and are therefore represented by counsel). If the disclosed knowledge results in a case and a settlement of over one million dollars, the whistleblower becomes eligible for an award of from 10% to 30% of the settlement. Between 2010, when the program began, and 2018, 326 million dollars has been awarded to 59 individuals (this and other data from U.S. Securities and Exchange Commission, 2018). In 2018 alone, 13 individuals received a total of 168 million dollars. Since 2013, the ten largest awards, some of which are shared, have ranged from 8 to 50 million dollars. The largest award to a single individual was 39 million dollars. Higher awards are given if the information provided by the person is significant or if they initially reported the irregularity through their firm's internal reporting channels. The award is lower if the individual was themselves culpable or if they came forward under threat of prosecution.

In total, the SEC whistleblower program has helped the SEC impose 975 million dollars in penalties on firms and individuals, of which 671 million was disgorgement of ill-gotten gains (this and following statistics from U.S. Securities and Exchange Commission, 2018). Since August 2011, the SEC Office of the Whistleblower has received 28,000 tips, with 5282 in FY 2018 alone. The tips, from 114 countries, are classified according to the kind of corporate illegality and the origin of the reporting individual. Of the total whistleblowers in FY 2018, 69% of the recipients were employee insiders, 83% had first raised concerns

internally, 54% were represented by counsel, and of these, 19% filed anonymously.

Besides disbursing cash awards, the SEC program also seeks to protect whistleblowers. The SEC prohibits firms from imposing confidentiality clauses or non-disclosure agreements on employees if the employee believes that the law is being violated. The SEC is thus attempting to restructure the corporate disclosure regime. Moreover, the SEC provides protection from retaliation, not only awarding compensation but also paying for legal assistance.

The IRS Whistleblower Office

The *Internal Revenue Service* (IRS) has a simple mandate: to collect taxes. Its task is therefore to ascertain if there is unreported income (often hidden abroad) or non-payment of taxes. Whistleblowers can contact the IRS Whistleblower Office if they think some person or firm is evading taxes by hiding or misreporting income. Anyone who has ever filed a US tax return (as I have), knows that the IRS has a form for everything. Whistleblowers use IRS Form 3949A, which is an 'Information Referral' form. To claim a financial award, one can fill out form 211, an 'Application for Award for Original Information'. In 2017, 29,000 submissions were sent to the IRS, of which 12,000 were rejected as irrelevant or not credible and the remainder investigated in some form (this and following statistics from Internal Revenue Service, 2017). The IRS Whistleblower Office has a staff of 61 persons. The award amount can range from 15-30% of the assessed penalty or settlement. The IRS does not as yet guarantee whistleblower protection. And since cases may take a long time to resolve, it informs whistleblowers that they can first expect their 'reward' only *five to seven years* after reporting.

Since 2007, the IRS has awarded 465 million dollars to whistleblowers based on the collection of 3.4 billion dollars from tips. In FY 2017 alone, the IRS Whistleblower Office paid out 61 million dollars to 418 persons (Internal Revenue Service, 2017). The most spectacular payment, however, was in 2012, when the IRS paid an award of 104 million dollars to a former bank manager in the Swiss UBS scandal (the manager himself was in prison for fraud at the time) (Kocieniewski, 2012). This individual was represented by Kohn, Kohn and Colapinto, as their website and Kohn's (2017) book reminds us (see also www.kkc.com).

The IRS is aware that informing on tax evasion can be personally complicated. They thus advise potential whistleblowers that:

> The IRS is looking for solid information, not an 'educated guess' or unsupported speculation. We are also looking for a significant Federal tax issue – this is not a program for resolving personal problems or disputes about a business relationship. (Internal Revenue Service, 2018)

Whistleblowing under the *qui tam* False Claims Act litigation, SEC, IRS or other laws is both complicated and often risky; many whistleblowers have themselves been implicated. As a result, there are now a number of whistleblower NGOs and whistleblower attorneys whose task is to help individuals file claims in return for a share of the whistleblower's award. Several of these firms advertise that their staff contains former SEC or Department of Justice prosecutors. The firm Labaton/Sucharow, e.g., with the slogan 'SEC Whistleblower Advocate', offers an elaborate assessment test to see if the prospective whistleblower's information is of the type that could benefit from their services (see https://www.secwhistlebloweradvocate.com/faq/). Another firm, Philips and Cohen, provides an extensive listing of successful cases, explaining the penalties assessed and awards received by their prospective clients (see https://www.phillipsandcohen.com/success-stories/whistleblower-stories/). The Kohn, Kohn and Colapinto site offers a comprehensive listing of federal and state whistleblower protection laws, along with an offer to purchase Steven Kohn's (2017) *The new whistleblower's handbook*.

With dozens of whistleblower attorneys vying to receive a percentage of multi-million dollar awards, the whistleblower has now become a sought after commodity, what more cynical observers have termed a veritable 'bribery racket' (Vardi, 2010a, 2010b). Reward programs such as these, with their millions of dollars in pay-outs split between the ambitious whistleblower and the whistleblower law firm, certainly alter the incentives for disclosure. Speaking truth to power is now a commodity. The possibility of a financial reward and whistleblower protection can now encourage the escape of knowledge from corrupt firms; the attorneys can package this escaped knowledge in order to take a percentage of the reward. The *qui tam* legal option and the U.S. whistleblower reward programs show that there is no contradiction between an individual's motive to expose wrongdoing and seeking a life-changing financial reward. 'Do the right thing' can go along with 'follow the money'.

In summary, the U.S. disclosure regime is characterized by the priority given to a financial reward. Based on knowledge escape within private firms, whistleblowers have options to which their escaping knowledge can be channelled: a *qui tam* trial, or the various government organs where many competencies overlap. Finally, this disclosure regime highlights the role of key intermediaries who can commodify this knowledge into a product by which the 'knower', in this case a corporate whistleblower, can earn a compensation or

become a celebrity. As such, it is a *corporate* disclosure regime in which escaped knowledge has a price tag.

Community whistleblowing in Scandinavia

My second example of a disclosure regime comes from Scandinavia, specifically Denmark and Sweden (where I have lived and worked). The disclosure practice to be described can be termed 'informing', 'tipstering;' 'snitching' or 'community whistleblowing'. It lies at the interface between citizens, neighbours and authorities in countries with high taxes and generous welfare benefits. The units of knowledge are individuals living in communities. As such, it is a disclosure regime in which the informing neighbour is disloyal, but not to an organization. The informer is disloyal to a neighbourhood ethos of 'non-interference in private life', or to a friendship or family unit in which certain affairs are supposed to remain 'between us'. Neighbourhoods, friendship groups and families are not organizations, of course. But they do organize in the sociological sense. People who live in proximity to each other or have social obligations can relate to each other in a matter which is intimate, friendly, neutral or hostile. Families and neighbours organize common activities of work or leisure pursuits, social or material exchanges of goods or favours, or interact through networks of friends and acquaintances. In these relations, certain kinds of knowledge become known, and some of it may escape the inner circle. Here I will describe Scandinavian-style welfare tipstering as a type of disclosure regime, with the intention of showing how it overlaps with whistleblowing in organizations. It is not the intention here to show that tipstering is whistleblowing. Rather, the goal is to show that tipstering and whistleblowing are embedded in different types of disclosure regimes.

All countries encourage citizens to report abuse of state benefits to the authorities. Scandinavian countries distinguish themselves with generous social benefits coupled with the world's highest taxes. Both tax paying and tax evasion are social acts with moral implications. The high level of social trust in Scandinavia, and Scandinavian social cohesion generally, is based on people's perception of whether this elaborate social contract of high taxes-high benefits is being upheld. A perception of injustice – that I am paying my share into the collective while someone else takes undeserved benefits (welfare cheating/undeclared income/tax evasion) – will lead to indignation. The indignation can be sparked by observations of a neighbour, acquaintance or family member with unexplained wealth, or by a scandal exposed in the media. Popular indignation, fanned by periodic welfare or tax cheating scandals, fuels a variety of responses: administrative reforms by the government, more

surveillance of clients, populist movements against too much surveillance, or legitimizing one's own tax cheating as a justified form of social revolt ('everyone is doing it'). Much of the indignation against immigrants and refugees in the Scandinavian countries, for example, is founded not so much on nationalism or racism, but on the sentiment that especially newly arrived immigrant groups are preying on the welfare state, for example, by not working, receiving too many welfare benefits (housing, child payments) or by not paying their fair share of taxes.

It is at this threshold of indignation that individuals can decide to blow the whistle on neighbours, ex-spouses or acquaintances whom they believe are cheating the system. This threshold is transcended when trust between community members declines or is breached. Typically, the social bonds of neighbourliness, bonds formerly forged by shared experiences of class, workplace, ethnic bonds, public school attendance and community associations, begin to weaken. Alienation from each other, neighbours whom you do not know or trust, leads to people becoming willing to inform authorities about illicit behaviour of neighbours, acquaintances or estranged family members. The ability to do this by clicking your iPhone makes it that much easier.

Scandinavian welfare states dole out generous benefits (welfare) but demand citizen contributions (taxes). In the Scandinavian welfare systems, undue benefits can take the form of failure to declare cash income or assets while receiving welfare or unemployment payments, misrepresenting one's personal situation (single parents who are in reality co-habiting), faking sickness or disability in order to receive a pension, and various home health care scams with false caretaker receipts. In the tax area, the illicit practices could include undeclared income (typically extra work or income in construction, catering and household services) or working while receiving welfare benefits. Both types of abuses – welfare cheating and tax fraud – reflect a mismatch between the information that individuals must provide to the authorities (change in life circumstances, reported extra income) and how the authorities then calculate welfare payments or tax obligations. In all the Scandinavian countries, these two kinds of deception are the constant topic of press commentary, political rhetoric, and bureaucratic control measures. For example, in Denmark, welfare authorities can check recipients' bank accounts for sudden withdrawals of cash by a client seeking to show that they have no assets. They can check single mothers' Facebook pages to see if they are co-habiting (Gaardmand, 2011; Madsen and Frederiksen, 2017). Welfare authorities are also stationed at airports to stop returning vacationers and determine whether they have been receiving unemployment benefits while abroad, which violates their promise to be 'available to the labour market' (Kristensen, 2018). The welfare system 'sends

signals' (their expression) to potential cheaters that 'We are everywhere', and 'It doesn't pay to cheat'.

In the last decade, public authorities have made explicit appeals to citizens to submit information about suspected cheaters in their communities. The result is the rise of what Danish officials have called the 'cheat button' (*snydknappen*), also called 'gossip service' (*sladretjeneste*) or 'snitch line' (*stikkerlinie*). The integration of citizens, community groups, firms or private security companies in enforcing the law (called 'plural policing', cf. O'Neill and Fyfe, 2017) is a trend in many arenas of public life, and this includes welfare cheating. Some media commentators and politicians have termed this tendency to be the onset of an 'informer culture'. The Danish and Swedish words used (*stikker, angivar, meddelare*) are similar to words used about wartime snitches during the Nazi occupation of Denmark. The Danish rhetoric about this kind of practice talks of a 'collaborator society', 'informer society', 'surveillance society', even 'Stasi society', or 'Stasification' (*stasificering*) (Larsen, 2010). In Sweden (which had no Nazi occupation) the rhetoric is also of an 'informer society', but here the reference is to Eastern European secret police (Jensen, 2013).

Disclosure pressures in Scandinavia have been intensified as a result of horrific cases of child abuse in outlying communities that went unreported or were overlooked by the authorities. The issue was whether neighbours should have intervened earlier. The imperative to interfere in cases of suspected child abuse runs up against ingrained traditions not to intrude on a neighbour's private life. Scandinavian citizens are constantly being asked to 'get involved' on the one hand, but to 'be careful about interfering in people's private lives' on the other. Apparently, we should interfere if there is abuse, but perhaps live and let live if it is a neighbour working off the books or receiving undeserved welfare benefits. The cheating neighbour is not mistreating a child, but they are violating some kind of social trust. And it is here that welfare cheating or tax evasion may be the subject of disclosure, with the expectation that 'something will be done'. What we have here is the familiar model of whistleblowing articulated in works by Near and Miceli (1985, 1996), Miceli et al., (2008) and Lewis et al., (2014), with its various phases (discovery of an abuse, weighing decision to report, reporting to internal and then external authorities, awaiting action, etc.) and cast of characters: the guilty party, the whistleblower, the organization, the external authority, the public, the media. There are thus clear parallels between the corporate whistleblower and the neighbourhood snitch across the street.

While Scandinavian citizens, like those elsewhere, have always been able to report tax cheating or welfare abuse by their neighbours, new initiatives by local municipalities and the ease of digital solutions have led to the establishment of

fraud reporting web portals. Where there used to be telephone hotlines and letters, indignant citizens can now easily click their way to an accusation of tax or welfare swindle. They can make an accusatory report and even upload 'evidence' in the form of surveillance photos taken with their cell phone, literally across the fence or from their window (see Borger.dk, 2018 (www.borger.dk/anmeldesnyd); Skatteverket 2018 (www.skatteverket.se/Tipsa om misstänkt fusk)). No monetary rewards are given for this citizen vigilance. The informer's reward is purely intrinsic. It is a feeling of social justice, a release of pent-up indignation, or downright revenge against a neighbour, ex-spouse or former business partner whom they feel is getting more than they deserve. Let me therefore provide some details of the informing landscape in Denmark and Sweden.

Denmark: Informing as community whistleblowing

In Denmark, 20% of the population is estimated to know someone who has swindled the welfare payments system, and approximately 10% of benefits are paid out on the basis of swindle (KMD Analyse, 2011). Presently, all of Denmark's 98 municipalities have web sites where people can report abuse or false welfare claims, typically for public assistance, single parent child allowances or disability (not all of them have anonymous reporting options, however). Abuses of the system can consist of undeclared income ('black work') or a pro-forma divorce where one spouse has an official address elsewhere but in fact lives in the home (a Danish single parent receives a 'single-parent' benefit and reductions in day-care fees). Citizen informants can submit photo evidence by name and in some municipalities anonymously.

The Danish municipalities have 'control units', which assess welfare entitlements and can demand restitution of illicitly received benefits (Madsen, 2013). In 2017, these units investigated handled 20,349 cases of suspected abuse (Kommunernes Landsforening, 2018). Of these 429 (2%) came from named individual accusers, and 2882 (14%) from anonymous sources (the remainder came from other public authorities); these reports resulted in restitution of 6.2 million DKK in illegally received welfare benefits to the municipalities and an additional savings of 26.1 million DKK that would have been subsequently dispersed improperly in the future (*ibid.*). However, fully 83% of the anonymous accusations and 84% of the named accusations either lacked proper information or were judged incorrect or too trivial to pursue. Danish municipalities now exchange more information with other agencies using various national registers, a coordination effort which has led to more cases of abuse being discovered and resolved without the use of informants.

In addition to the municipal welfare offices, the national Danish tax authorities have also set up a reporting site for suspected tax swindle. Reports from citizens, firms and authorities numbered 6878 in 2011, rising to 10,541 in 2013. Sixty percent of these reports are anonymous (Berlingske, 2013). The accusations involved violations such as untaxed income or hiring illegal workers (who were usually paid in cash, hence unreported income). According to one tax official, of 6800 citizen complaints received in 2012, one-third were 'not serious' or simple harassment of a neighbour (Schultz, 2012). The tax ministry's surveys say that citizens' acceptance of undeclared income ('black work') is declining, which has led to an increase in the number of reports. According to the tax official, 'We have a veritable informer culture out in the suburbs' (*ibid*.). Yet some politicians have misgivings. The minister of taxation, from the left-wing Socialist People's party, declared, 'We should avoid the Ministry of Taxation being used in a feud between family members or neighbours' (Ritzau, 2013). The minister was not far off, as a 2008 report found that one-third of all citizen tips to the Danish tax authorities derived from family conflicts, ex-spouses, or cheated customers (Politiken, 2008). The use of the 'cheat button' was criticized by several commentators as a step toward a Stasi-like society (Borre-Jensen, 2012; Jensen, 2010; TV2, 2012), or even a 'Stasification' of Denmark (Engel-Schmidt, 2012). The nanny state is being replaced by the Stasi state, or as one commentator put it, 'from Big Mother to Big Brother' (Jensen, 2010). Subject to these pressures, and with a change to a conservative government, the newly appointed minister for taxation decided to close the anonymous web portal, saying that it could be abused (Larsen, 2015). Some Danish political parties take offense at the informer society: an MP from a left-wing party, for example, declares that 'the authorities should realize that even though someone perhaps receives a payment that they are not allowed to, it cannot legitimate a surveillance society where we run around and take pictures of each other' (Lauridsen and Quass, 2013). In Copenhagen municipality, which has a majority left-wing administration, the anonymous reporting option was closed down in March 2019 (the center and right parties were opposed). One of the politicians criticizing the 'snitch society', declared, 'I am against the mistrust that [the cheat button] creates when it encourages us to inform' (Grünfeld, 2018). Disclosure regimes clearly create their own anxieties revolving around trust.

Informing in Sweden

In Sweden, informers can send information about abuse to several sites: the tax ministry, the state social insurance payment agency (Försäkringskassan/FK), or to other bureaus such as the Immigrant and Migration Agency. Typical welfare crimes, covering both false claims and abuse of payments, include falsifying disability, sick leave, student stipends, housing stipends and payment for caring

for the disabled or sick children (VAB). The Swedish tax ministry receives about 20,000 tips per year via letter, phone, email and other channels. The tips to the tax ministry were primarily concerned with off-the-books work, especially in construction, hairdressing and café/restaurant.

The Swedish social insurance payment agency (Försäkringskassan/FK), received 16,771 cases of suspected abuse referred from all sources (other authorities, the public) in 2015, up from 4000 in 2005 and 9653 in 2009 (Försäkringskassan, 2016). Of these 16,771 cases, 7395 (43%) came from the public (*ibid.*). However, only 17% of these citizen tips resulted in any follow-up measures, such as demand for payment or criminal charges (*ibid.*). The implication here is that the vast majority of the reports submitted by individuals, as in Denmark, are less useful to the authorities or less reliable. As a Swedish official explained, the anonymous reports 'are often more about frustration than they are substantive, and in most of the cases, the person [being accused] has the right to receive payment' (Haglund, 2013). The head of the tax authority adds a note of caution:

> It's a bit sensitive. We don't want to have an informer society where you create insecurity. It feels wrong, without me being able to say exactly why. Wouldn't you yourself feel that it was sleazy? There are often conflicts and family tragedies behind the tips. We don't want to dive in and punish and make life difficult for the person. (Faktum, 2010)

Consequences of the Scandinavian disclosure regime

The propensity for people to inform is a much discussed, but little researched topic in Sweden. A Swedish net-based survey of 43,000 persons conducted in 2010 (by the newspaper *Aftonbladet*) found that 35% of respondents would report their neighbours for welfare cheating, 26% said they would not, but 33% said, 'it depends on the neighbour' (Faktum, 2010). Apparently, the quality of neighbourly relations is as important for whistleblowing as any notion of higher civic duty. Community whistleblowing in Scandinavia seems dependent on a situational morality: 'It depends on the neighbour'.

Summarizing, both Danish and Swedish public authorities are aware that encouraging informing may threaten their highly touted social cohesion and general level of social trust. A Swedish official cautions: 'We do not work "actively" to get tips in from the public' (Haglund, 2013). He does not encourage an 'informer culture' (*angivarkultur*). 'We do not have major publicity campaigns [encouraging people to] call us if you think there is swindle going on' (*ibid.*). Another official acknowledges the many motives for informing on neighbours 'We know that it can be about gossip, revenge, and there can be other interests which are served by the information' (Faktum, 2010).

One of the more problematic aspects of the reporting culture is the stigmatization of those who are socially vulnerable. The head of the Swedish association of disabled persons, for example, complained that the media and the authorities create the impression that it is easy to swindle, and that people do not know how many assessments that disabled people must undergo in order to obtain their disability pensions (Sveriges Radio, 2013).

In sum, systems where general trust is under pressure can create conditions for conflict, and one channel for this kind of conflict is the use of an informant culture where people disclose secrets about their neighbours, ex-spouses or former business partners. Whether we want to call this 'whistleblowing' is an academic issue. It is certainly disclosure, in so far as it is knowledge that escapes. And it has broader implications for how people in Scandinavian states interact with each other, and with the authorities to whom they pay taxes and from whom they receive welfare benefits.

Conclusions: Regimes, rewards and revenge

The notion of disclosure regimes is a way of talking about how knowledge is controlled, constrained, dispensed and escapes. Some of this escaping knowledge is trivial or short-lived, or at best scandalous. But some escaping knowledge can alter the knowledge landscape, releasing new forms of emancipation or ever more regulation. If organizations, as well as other social groups, are composed of knowers, then we need to follow their strategies and practices. This means understanding who seeks to control and constrain what kinds of knowledge, and who may possibly decide to steal it, leak it, or allow this knowledge to escape. Social cohesion, organizational loyalty and community trust all play into these processes of knowledge control. Whistleblowing in corporate America, and informer snitching in Scandinavian neighbourhoods, are ways in which escaping knowledge reveals changing social constellations of trust and distrust.

Whistleblowing has up to now been seen as a practice confined to organizations. Theorists have offered us descriptions, typologies, phases, actors, and effects of this process. Yet the pressure toward transparency, toward disclosure, toward making the private public in the hope of redressing an injustice or obtaining a reward is not simply a property of formal organizations. It is a property of all social groups. We thus need to view organizational whistleblowing as one moment on a continuum of knowledge escape that would include personal confessions, revelations of abusive behaviour committed by authorities or employers, as a means of individual empowerment against organizations, as an expression of employees' ethical opposition to their organizations' wrongdoing,

as a political tool used by the leaker who downloads to WikiLeaks, as a means of making money, and finally, as a form of social conflict among envious neighbours and community members. Each of these disclosure practices contains forms of empowerment, in which individuals take, or *take back*, some kind of control over their life circumstances. Their actions may not necessarily derive from the most noble of motives. After all, social life operates through this very mixture of higher moral/civic duty and a personal project (e.g., making a few million dollars, getting even with an ex-employer or with a nasty neighbour). Disclosure practices can thus combine civic duty with personal agendas. Such combinations are neither strange nor deviant. They are the stuff of social life.

Whistleblowing in the United States has now become a matter of knowledge for sale. The government whistleblowing rewards programs can help bridge the gap between the individual disloyalty and their organization's secrets. The government recognizes and apparently encourages this breach by paying higher rewards to those who have gone through organizational channels first.

In Denmark and Sweden, meanwhile, the community informing articulated as civic duty provides a cover for ordinary neighbourly envy and perhaps revenge under a civic duty to report. Some time ago, local and neighbourly loyalties took precedence over the prying eyes of the state. People were left alone, even though there was the risk of domestic violence or child abuse. No more. Being a good citizen means identifying and reporting cheating neighbours. This practice may be criticized as a Stasi-like surveillance, but this would be an oversimplification. However, like the communist informer systems, the Scandinavian disclosure regime allows people to use the state as a vehicle for personal 'getting even'. It is not Stasi surveillance, but it is a form of everyday totalitarianism and iPhone surveillance.

These Danish and Swedish debates over citizen informing take place in high trust societies. People believe, and expect, that 'the system' can solve their personal problems and should treat people fairly and equitably. This raises several questions: To what degree is citizen reporting on neighbours or acquaintances an indication of civic duty or of a more mundane type of personal envy and indignation? To what extent is the Scandinavian neighbourhood disclosure regime a litmus test of society's social cohesion? How do we gauge whether it is better for neighbours to be suspicious and interfere, or whether, in the name of community harmony, to just leave their fellow neighbours alone as they 'play' the system for what they can get? If citizens are expected to 'become involved' in cases of suspected child abuse, then why not interfere when you see welfare cheating or untaxed income? One might argue, of course, that the child is an innocent victim who may be brutally harmed, while welfare cheating is

'victimless'. But wait, there is a victim. It is, well, *us*, society. So there is perhaps an ethical prescription to inform on the neighbour's illicit practices. Someone is being harmed: us. The nosy Danish or Swedish neighbour pressing the 'cheat button' or sending pictures from her iPhone may be acting out of personal envy or revenge, but it is now channelled as a civic duty. Perhaps it is this combination of the large and small projects – civic duty mixed with personal indignation – that comes together in the Scandinavian welfare disclosure regime. It is both big and small; civic and petty. Tipping off the authorities, clicking the 'cheat button', is a way in which the powerless tell the powerful *about other powerless*. Unlike in the U.S., where the motivation to inform is subordinate and information can be paid in cash, the Scandinavian authorities offer no rewards to snitches. Moreover, authorities insist on describing their initiatives as the opposite of any kind of 'informer culture' and are certainly ambivalent about the use of anonymous accusations. The authorities know that such informing, while it may be justified by a civic duty, can also be driven by envy or jealousy over a neighbour suspected of misusing public goods, receiving undue benefits, or evading taxes). The authorities operate from some kind of disclosure regime denial, while encouraging disclosure as vendetta egalitarianism. This is truly the dark side of the disclosure regime.

Getting paid to expose corporate wrongdoing and uploading photos of a supposedly disabled neighbour jumping on their backyard trampoline may seem quite different from each other. But I believe that they are both examples of the kinds of disclosure regimes in which we dwell. It is transparency combined with vengeance at the popular level. Our understanding of organizational whistleblowing thus needs to be broadened. We need to see organizational whistleblowing as part of more inclusive broader regimes of disclosure and agendas of transparency. Organizational researchers certainly understand that organizations exist within society. In this same sense, whistleblowing in organizations should be seen as part of a larger dynamic of disclosure, with common motivations, incentives, constraints and consequences. Hence, we need to study *who tells what about whom to whom*. We need to study how they tell it and what happens to the truth-teller/accuser and the accused after the disclosure act. Most importantly, we need to understand that disclosure regimes will invariably involve a mixture of high-minded goals and personal motivations; they will also spawn new kinds of regulatory frameworks pushing 'whistleblower protection' on one hand but 'more transparency' on the other. We thus need to better understand the kinds of incentives, motivations, and structural constraints that stimulate, sustain or threaten regimes of disclosure. And we need to see disclosure not solely as a matter of individual persons who either tell or keep secrets, but as social systems where conditions can stimulate, constrain or manage the way knowledge is created and how it escapes. Disclosure is a social

act. Finally, let us remember that most people are not whistleblowers. Most people choose to keep silent about abuses in their organizations and among their neighbours. At least until they themselves are implicated, hacked, or threatened by jail. Employees or neighbours who keep secrets may be doing so because of intimidation, or fear of expulsion, or because of a genuine loyalty to their superiors, their firm or their community, combined with a resistance to prying authorities. In this latter sense, not to inform on others is a political act, an act of solidarity. Knowledge control and disclosure are thus processes that take place between people. They are social processes.

Whether it be U.S. government whistleblower schemes or community informing in Scandinavia, acts of disclosure highlight the relationship between individuals and their organizations, between the ambiguity of belonging and the tensions inherent in organizing. The call to the whistleblower attorney promising a million dollar pay-out, or the uploading of some photos and a few anonymous clicks on the 'cheat button', may make the disclosure process easier at the outset, but this does not resolve the inherent tensions between individuals and the organizing milieus in which we live. Social life – be it in organizations or communities – is full of these tensions, and much of the tension revolves around managing knowledge. Disclosure regimes confront the basic knowledge management issue as it applies to all social groups: Who should know what about us? Whistleblowing and informing amplify the conflict between regimes of disclosure, imperatives for transparency, the everyday life of organizations and communities and the secrets that hold them together. Within a broader context of disclosure regimes, acts of personal confession, revelations of abuse, informing on neighbours and leaking sensitive information, whistleblowing about corruption and other forms of public exposure and disclosure lay bare the tense relation between workers and employers, citizens and the state, and between neighbours and each other. It is customary to celebrate transparency and whistleblowing. Don't be too sure. Disclosure regimes have a dark side that we are only now beginning to see.

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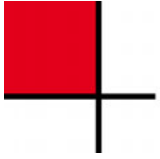
How to protect the truth? Challenges of cybersecurity, investigative journalism and whistleblowing in times of surveillance capitalism. An interview with Micah Lee

Micah Lee and Randi Heinrichs

abstract

We are witnessing a crisis of information security. Massive data monitoring is both a condition and an expression of this crisis. Connected whistleblowing cases like the Snowden leaks deal with both – they result from these conditions, act against them and have to consider them during the process of revelation. Whistleblowers therefore need expertise in cybersecurity, just as investigative journalists do. However, the interview makes the point that this is not just a technological issue. The 'problematization' of truth-telling in digital cultures is much more complex. It is connected to large-scale transformations of highly digitized societies under the conditions of surveillance capitalism. The following contribution presents an interview with the investigative journalist, cybersecurity specialist and privacy activist Micah Lee, and discusses the challenges of truth-telling in a powerful global surveillance apparatus and the crisis of information security.

Introduction

Micah Lee is a technical specialist in operational security, source protection, privacy, and cryptography. He is also a founding and board member of the Freedom of the Press Foundation[1] and a journalist at the investigative news

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1   https://freedom.press.

organization The Intercept[2]. Regarding his commitment to the Snowden revelations, Mashable Spotlight (Franceschi-Bicchierai, 2014) called him the 'digital bodyguard' of the NSA leaks.

Before Edward Snowden became a whistleblower in 2013, he contacted Micah Lee for help. Snowden had to face a big challenge: how could he get in contact with the journalists Glenn Greenwald and Laura Poitras anonymously and securely? Of course, Snowden himself is an expert on cybersecurity, but to protect the information and his own anonymity until the moment of publication he had to rely on the cooperation of the receivers' side, too. As he had served the CIA (Central Intelligence Agency), NSA (National Security Agency), and DIA (Defence Intelligence Agency) for nearly a decade, he knew how complicated the process of leaking information about the NSA's wide-ranging surveillance system without being caught in the middle of it would become. To plan a secret meeting in Hong Kong and to hand over the information classified as top secret to the journalists, they would have to install and use an encryption program like *Pretty Good Privacy* (PGP)[3]. Snowden needed the help of an expert who would build up a secure communication infrastructure, would understand the importance of the political mission, and who was willing to take a immense personal risk with his engagement against state surveillance.

Micah Lee was the perfect match. It is still rare to find someone who fits all these qualifications, even though far-sighted expertise is highly needed in times of networked news organisations, and connected challenges for information security, and therefore for journalism more broadly (Stalder, 2010). With the help of Micah Lee and the involved journalists, Edward Snowden revealed that the NSA was unconstitutionally collecting the data records of billions of individuals who had not been suspected of any wrongdoing or of terroristic or criminal activity. To understand the surveillance apparatus in depth, critical questioning of the government's security policy and a swelling data economy had to be combined with technological expertise of the software they used.

Computer-enabled data collection, aggregation, and mining dramatically change the nature of contemporary surveillance, but what the NSA leaks also showed is how the booming „international surveillance technology industry" (Verde Garrido, 2015: 157) is based on the extensive cooperation of governmental institutions and private tech companies. The program *PRISM* (Planning Tool for Resource Integration, Synchronisation and Management) had collected and continuously analysed server data from companies like AOL, Apple, Google,

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2   https://theintercept.com

3   https://www.openpgp.org

Facebook, Microsoft, PalTalk, Skype, Yahoo and Youtube. We witness an increasing neoliberalization of state functions, especially those concerned with security, that are cooperating closely with industries that commercialize the monitoring, collection, and processing of vast amounts of information about people all over the world (*ibid.*). According Amnesty International's estimates (2014) the total turnover behind the surveillance industry during the Snowden revelations was between three and five billion US dollars, and it is growing by 20 per cent every year. This is not limited to the US context. The leaks about the operation *Tempora* showed how the Five Eyes consisting of the NSA, the British GHCQ (Government Communications Headquarters) and their partner institutions from Canada, Australia and New Zealand monitored immense volumes of electronically transmitted communication. The Snowden revelations proved that all Western industrial nations profit from the Five Eyes countries' cooperation (Greenwald, 2014). The declared reason behind investigative user surveillance from the state institutions was and still is that with the help of the monitoring systems, terrorism suspects can be recognized early on and potential attacks could be prevented. Its legitimatizing excuse to protect national security was used to justify the collection of huge amounts of metadata about who was where and when, connected with whom and for how long (Sprenger, 2015). This massive data gathering in the name of alleged security becomes a technique of governmental power as well as a lucrative business model (Lyon, 2002). That Snowden leaked information about the global surveillance system, and that cryptography and privacy-enhancing technologies are used to obfuscate data monitoring are seen as dangerous disruptions of the powerful security apparatus. The leaks resulted in the largest debate about reforms to US surveillance policy and global monitoring practices, including questions around current conditions for a free press (Bauman et. al., 2014; Greenwald, 2014; Lyon, 2014).

After writing about the massive surveillance while being continuously under the fear of exposure Micah Lee, Glenn Greenwald, Laura Poitras, and Jeremy Scahill started a news organization called The Intercept. The Intercept supports software like SecureDro[4], which is a whistleblowing submission tool that allows news organizations to accept documents from anonymous sources.

In this interview Micah Lee tells the story of his involvement in the NSA whistleblowing case of Edward Snowden and why it is increasingly important to think about the role of cybersecurity, anonymity and open software in processes of revealing the truth, whistleblowing and investigative journalism in the 'age of surveillance capitalism' (Zuboff, 2019). In the context of this special issue the interview raises questions of what consequences, challenges and new

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4   https://securedrop.org

opportunities there are for specific connectivity in a digital age, and what they provide for the conditions of 'truth-telling' (Foucault, 2001). The following interview was held on the 9ᵗʰ of July 2018 in Berkeley, CA, USA.

The interview

Randi Heinrichs:

When you first got involved with the NSA revelations you were working at a digital rights organization, the 'Electronic Frontier Foundation' (EFF)[5]. How did you get involved with digital activism and the fight for privacy and free speech?

Micah Lee:

Before I got my job at EFF I was working as a web developer for a long time, but I had been interested in encryption and topics around online freedom, etc. before. I was always fascinated by it. For the first time I really got deeply involved in digital security questions at EFF. Therefore I was incredibly excited to be hired by them. When I started working at EFF I also did web development at first and eventually I became a staff technologist there. So, I came from software development and was also doing lots of web activism.

RH:

Besides being a web developer, you are also one of the founders and board members of the Freedom of the Press Foundation and you work as a journalist at The Intercept, a news organization that covers topics like national security, civil liberties, international affairs, technology and criminal justice. Why do computer engineering and especially computer security have an increasingly important role for journalism and whistleblowing?

ML:

It used to be that you as a journalist could protect your sources. If you wanted to protect an identity from any sort of investigations, you could go, for example, to a payphone and make a call to meet and talk in person. It used to be that if you really needed to protect your source, you could just not tell the government who your source was and that worked pretty well. Things have completely changed now; everything is being spied on. Now the government can just look through your e-mails or through your text messages or through all of the digital evidence

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5   https://www.eff.org

that exists. In most situations you will need to use phones, you will need to use computers, you will need to use the Internet – and it's really difficult to do it without leaving lots of traces everywhere. So, I think that's why computer security is very important in journalism.

RH:

To have a secure connection between the journalists and the source or the journalist and the whistleblower is becoming increasingly difficult. Computer security engineers have an important position as a protecting middleman. This brings, of course, a lot of responsibility to new players involved. What are the biggest challenges to those in that position?

ML:

Well, there are a lot of challenges. One of them is source protection. Nowadays the news organizations are getting a lot more digital security training, and therefore understanding of how to use encryption – a lot more than the actual sources. The journalists are only one side to protect the communication with the source. A good first step is to set up something like SecureDrop, which makes it hard for sources to make mistakes. Even though a lot of times the source might get in contact with a news organization by using SecureDrop and when they have another question they just send an e-mail, which leaves lots of records. If you're using for example Gmail, leak investigators could subpoena the mail. Ultimately the journalists only have control over ten or fifteen percent of protecting the source. I think that's the biggest challenge.

RH:

Mashable Spotlight called you the 'digital bodyguard' of the NSA leaks. How did you get in contact with Snowden and the journalists Laura Poitras and Glenn Greenwald who then worked on the NSA revelations?

ML:

This was the end of 2012 and the beginning of 2013. The Freedom of the Press Foundation was just was founded by Trevor Timm. He is the Executive Director now, but at the time he was working with me at EFF. I was still working full time at EFF and helped him part time as the CTO of the Freedom of the Press Foundation. That means I built the website and I did all of the technical stuff to start it. Glenn Greenwald and Laura Poitras and a bunch of other people were with me on the board of directors of the Freedom of the Press Foundation. About a month after the website was launched, I got an encrypted e-mail from an

anonymous person. This turned out to be Snowden. The reason why he wrote to me, was to get in contact with Glenn Greenwald and Laura Poitras. At the time Snowden had already tried to contact Glenn, but he didn't actually tell him anything, because Glenn wasn't using encryption yet. Snowden had sent him some instructions on how to use encrypted e-mail. Glenn didn't take the time to do it. It is to say, that it was much harder to use encryption back than. I think that this is one of the big things that have changed over the last six years. Encryption is much more usable and people are realizing that. Usability is a really important security feature. If you don't know how to use encryption, then you aren't going to use it.

RH:

There was a rumour that because Glenn Greenwald did not use encryption for his e-mails the NSA leaks were postponed for more than half a year.

ML:

Yeah. I think they were. Snowden also wanted to talk to Laura Poitras. He knew that she was already using PGP and it would therefore be much easier to have a secure conversation with her, but he didn't know what her PGP fingerprint[6] was. When he went to the Freedom of the Press Foundation website, he saw that I was the only person that had a PGP fingerprint listed online in my bio. So, he anonymously sent me an encrypted e-mail. I didn't know who he was. He was just saying: 'I am a friend. Could you help me talk to Laura Poitras? Can you give me her PGP key? I promise it is for something good, and while you're at it can you help teach Glenn Greenwald how to use encryption?'

RH:

You ended up publishing Laura Poitras' PGP fingerprint on Twitter. It feels counterintuitive to use a public online platform like Twitter for communicating while you are trying to keep a secret.

ML:

Snowden was concerned that he wasn't having this conversation with *me*. We didn't talk in person. Our only communication was with these PGP encrypted messages. What if my computer was hacked or something went wrong? He downloaded my PGP key from our website, but what if he was intercepted, his download was intercepted or he was encrypting with the wrong key and he was

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6   https://en.wikipedia.org/wiki/Public_key_fingerprint

actually talking to someone who works for the government and not with me? Using Twitter is a way of confirming that the Micah Lee that was controlling the e-mail is the same Micah Lee that controls the Twitter account. If my e-mail account was hacked and there was some sort of 'PGP-man-in-the-middle-attack'[7] going on, they would have to do a lot more to also compromise my Twitter account in real time. Basically, we were using multiple channels to verify that he was talking to the correct person.

RH:

It's interesting that you had to verify your identity on multiple channels while he was still anonymous and to prove that it could stay this way. Why did you trust him?

ML:

Yeah. I just did. I mean nobody knew at the time. I didn't know who he was. He was just a stranger. It took me probably several months of talking to him, and to Glenn and to Laura before I got the sense that he was a whistleblower. Even then I had no idea about what he was blowing the whistle on.

RH:

Today we know who was behind the NSA leak. Snowden became a public and symbolic figure in the debate around Internet freedom, privacy and surveillance in the digital age. Why do you think he decided not to stay anonymous?

ML:

Well, I think that the real reason why he made that decision is because he realised that there is no way he would have been able to keep his identity a secret – especially with the amount of stuff that he was leaking. The NSA is incredibly powerful and nobody knew that better than him. He knew that it would be too hard to keep it a secret for a long time and he wanted to be upfront and open about why he did it. So, in the end, he made a decision that he wasn't even trying to hide his tracks.

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7   https://www.thesecuritybuddy.com/vulnerabilities/what-is-man-in-the-middle-attack/

RH:

It was a dangerous and risky endeavour for everyone involved. I read that you have been very concerned that someone could identify you with your personal style of coding.

ML:

Yeah. I hadn't actually considered it until I was trying to anonymously develop a website. We ended up in situations in which Snowden even had to pay for the webhosting in his own name with his own credit card and stuff like that ... I didn't want my involvement to be public until I would decide that it was safe to be public. Part of that involved protecting my anonymity as a programmer. I was using the anonymous browser Tor[8] to connect to the server and pushing[9] the website code to the server etc.. So, I was writing it anonymously, but you can view the source of a website, you can see the design and the style. Everything was very consistent with the style in which I have always done my stuff. So, I was worried that my coding style could give me away.

RH:

For most of the leaking process you used open-source-software like Tor, PGP, OTR[10]. Why? Does the involvement of a whole community behind the open-software projects make these programs more transparent and more secure or is the contrary the case?

ML:

I think that there are a couple of things to consider. For security software and very secure critical software it is really important to be able to trust that the software does what it says it does. When you publish your source code, like open-software projects do, it allows experts to look at it, to audit it, and to make sure it does what it says it does. However, that's not to say that it's necessarily more secure. There are a lot of really insecure open source programs. For example, the Linux Kernel[11] is full of bugs, but making it open gives you a lot of transparency on how it works. This gives also a lot more faith that the software is not actually malicious, that it doesn't have some sort of backdoor. There is proprietary

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8   https://www.torproject.org
9   https://www.techopedia.com/definition/5732/push-technology
10   https://www.otr.im/chat.html
11   https://en.wikipedia.org/wiki/Linux_kernel

software like Skype that advertised itself for a very long time as end-to-end encrypted, but it had a backdoor for the US government. There was no way to verify this. Snowden was especially aware of this problem because he knew that the NSA actively worked to get backdoors in proprietary software. If you work for the NSA and you're going to try to get a backdoor into proprietary software, you just need to make the right friends at the company. You tell them it is all for national security and hopefully you find people that agree on the mission and are willing to work with you. If on the other hand you try to get the same backdoors into an open-software project, you need to go through an open process, where all of the source code is open, and every single commit[12] is open. Therefore you would have to pretend that you are going to add a new feature. When they merge your feature it secretly would have a bug that only you know about, or something like that. It's much more complicated to do that.

RH:

Some people argue that we are living in a time of the end of anonymity and that this hasn't changed after the Snowden leaks. What do you think about that?

ML:

I don't think that is true. It's so much easier to use encryption now then it was in 2013. It used to be that you had to learn how to use an encryption tool like PGP. You'd have to understand something like key management and key pairs and verifying fingerprints and all that stuff. Now you can just install a program like Signal[13] and use it to send an encrypted message to somebody. There are still some things that you should understand, like verifying the safety numbers[14] in Signal to make sure there isn't an attack going on, but it's much simpler. This is one of the main things that the Snowden leaks changed. It prompted a lot of people to improve the technology and fix some of the security holes that had been getting exploited for a really long time. I also don't think that there is ever going to be the end of anonymity as long as there's not literal fascism everywhere – well, we'll see how that goes. There are always people thinking and working on anonymity and coming up with new ideas.

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12 https://en.wikipedia.org/wiki/Commit_%28version_control%29

13 https://signal.org

14 https://support.signal.org/hc/en-us/articles/360007060632

RH:

Snowden was highly influenced by other whistleblowers who took the risk of truth telling before him, like the first person publicly called a whistleblower, Daniel Ellsberg, who leaked the Pentagon Papers about the decision-making of the US government in the Vietnam War in 1971; or Chelsea Manning, the former United States Army soldier who disclosed nearly 750,000 military and diplomatic documents that came to be known as the Iraq War Logs and the Afghan War Diary in 2010. If you compare the case of Chelsea Manning, who copied thousands of intelligence files on a CD, labelled it with the singer's name *Lady Gaga* and sent it to WikiLeaks to the case of Daniel Ellsberg, who copied over a period of two years 47 paper files by hand in the Pentagon, it illustrates that the digital networked infrastructure makes it easier to get and move the information.

ML:

It makes it much easier that you don't have to use copy machines and that you can use the Internet. What Daniel Ellsberg likes to say is that before he photocopied the Pentagon Papers, he had planned to blow the whistle about the entire history of the US nuclear program. The Pentagon Papers were actually the smaller leaks. He just felt like the Pentagon Papers were more pressing. He ended up hiding the other papers in a box at his brother-in-law's house. His brother-in-law buried them somewhere, waiting for him to get out of prison. When he got out of prison he would leak all of the rest of the nuclear secrets for preventing a nuclear holocaust – but then there was a hurricane that destroyed them. That's the reason why we didn't get this leak later. Daniel Ellsberg likes to say: He was in the military, he served in Vietnam and he was totally willing to die for his country, when he realized how much of a fraud the Vietnam War was and also how incredibly close to the end of humanity the world has come several times. He was just as willing to die for preventing the world from having a nuclear Holocaust and stopping the Vietnam War. I think that his whole risk assessment was: 'yeah, this is a huge risk to photocopy all of this papers and drive around the country dropping it off with journalists or whatever, but it's worth it,' – even if he got caught. The technology makes it much easier to do whistleblowing, but it also makes it much easier to catch people. Daniel Ellsberg, Chelsea Manning, Edward Snowden, and a few other people all got caught, right? I think there's a lot of leaks where whoever leaked them is still anonymous, but there's a lot of them where people got caught. The ubiquitous surveillance makes it really hard to do this without getting caught. You have to kind of be an expert.

RH:

One open question is, did these whistleblower even try not to get caught? Snowden for example wasn't actually caught. One could say regarding the fact that there had been NSA whistleblowers before Snowden, that especially the risk he was willing to take publicly made his story reliable. The fact that he is still in Moscow and that he sacrificed the life he used to live make what he did trustworthy and even more momentous – and therefore maybe more powerful.

ML:

Right. Snowden clearly didn't try not to get caught. Chelsea Manning was trying to remain anonymous, like Daniel Ellsberg did. I think that when you're a whistleblower there is just so much stacked against you. It's an enormous risk that you are taking, because you feel it's so incredibly important. I think that everybody who is blowing the whistle on something that big can't do it without also facing also a big risk. There's some sort of sacrifice. You know that you might get caught.

RH:

Well, it seems there is always also a very personal background involved in these whistleblowing cases. Interestingly the most well-known whistleblower of our time seem to be connected to their expert knowledge about technology or even surveillance technology, right? So, it seems the battlefield switched.

ML:

Yeah, well, I mean, I think the battlefield for everything has switched to technology, and the Internet.

RH:

Is this the reason why you spent a lot of time teaching people how to secure their communication? Why do you think it's so important to teach encryption to the broader public? Do you think about encryption also as a form of resistance against the government surveillance or even as a form of critique?

ML:

I did a lot of encryption training explaining how encryption works to people and stuff while I was working at EFF. I helped to write parts of the Surveillance Self

Defense Guide[15] which EFF hosts, which is a series of tutorials for all sorts of mostly encrypted communications, encrypting your hard drive or things like that. I did this also for a broader public, but mostly for activist communities and journalists. Even after the Snowden leaks a lot of people don't realize the extent to which they lost the ability to preserve their privacy. It used to be much more challenging to eavesdrop on a phone call. The phone company could tap a specific phone line, but they didn't have the capability to tap all of the phone lines. You had to be a suspect for your phone call to be listened to and there had to be an investigation. Someone had to go to your house and install a tap into the phone line that went into your building. Now it is just trivial to tap everybody and record it forever. I think that people don't realize that there used to be this level of privacy that with advanced technology everybody lost. Encryption is just a way to bring some of it back. That's why it is important for everybody.

RH:

To raise awareness about these issues, you worked with Snowden on a website to publish a manifesto against surveillance. Why did you decide not to publish it?

ML:

The website was a contingency plan that didn't need to happen. Snowden was concerned that he would try to blow the whistle and it wouldn't work. He was concerned that the Guardian wouldn't publish it and the US, the UK and the rest of the Five Eyes intelligence agencies would successfully squash the story. All of the documents would get seized from the journalists and he would just be in solitary confinement and he wouldn't have any voice. If all of that were to happen, he would still have a voice with the manifesto online even though he would be in prison, not allowed to talk to anybody. He was worried that what happened to Chelsea Manning would happen to him. That didn't end up happening, and so we didn't end up publishing it.

RH:

What are you working on right now?

ML:

I'm still working at The Intercept. I'm doing a lot of journalism. One thing that I've been spending a lot of time with at The Intercept is publishing the rest of the material from Snowden. We're the only news organization that has the Snowden

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15   https://ssd.eff.org/en

archive and is still publishing from it. One section of the Snowden archive is called SIDtoday[16]. We've been systematically publishing from it for a couple of years now. SIDtoday was an internal newsletter, like an internal blog, that anyone who is part of the Five Eyes could read. It was The Signal's Intelligence Director at NSA who ran it. It is all classified information. We've been going through the blog and are publishing every single post of it. We published everything from 2003, 2004, 2005 – we are finishing up 2006 and getting to 2007. There is still really fascinating stuff in there even though most of it is kind of administrative. I've been spending a lot of time on going through the material with a team of people reading every single document, writing a summary of it and categorizing which ones are the most interesting ones and which ones aren't. Then we are writing articles about it and publishing them all in bulk. We published a few thousand documents so far.

RH:

Wow, that sounds like a lot of very detailed, specialised and time consuming work. Why are the documents of the SIDtoday especially important?

ML:

Well, one thing about the material from SIDtoday is, that unlike almost everything else in the archive of the Snowden documents, this is human readable. It is actually designed and written for a general audience including people who have a lot of technical skills as well as people who don't. It is giving status updates and describing their cool new programs that they are launching and things like that. The rest of the archive is really hard to understand. All of the programs have code words or it is a very technical thing and a lot of times there is not even enough context to really understand what a program is doing or what something is about. There is a lot of missing information, but SIDtoday is very accessible. I think that it's important because more than anything else, with these materials we can start to make public the secret history of what the United States did since the beginning of the War on Terror.

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16 In the meantime The Intercept concluded the analysis of material stemming from the SIDtoday in May 2019. They published more than 2,000 NSA documents over the time of four years. See: https://theIntercept.com/snowden-sidtoday/

RH:

Thank you very much for your hard and very important work. For me this whole stretch of history is still pretty much unbelievable.

ML:

For me, too.

Concluding thoughts

Micah Lee and I met for the interview at *The Musical Offering*, one of the last existing CD shops in Berkeley, California. Across the San Francisco Bay and Silicon Valley, the centre of the world's most powerful tech and social media companies, the small Café is filled with a nostalgic atmosphere accommodating tons of CDs, and students scribbling in paper notebooks next to the Campus of the University of California, Berkeley. UC Berkeley is the university where Michel Foucault gave his lecture series *Discourse and Truth: the Problematization of Parrhesia* in 1983, which constitutes an important theoretical background for this special ephemera issue. Towards the end of the lectures Foucault (2001: 169) explains that his 'intention was not to deal with the problem of truth, but with the problem of the truth-teller or truth-telling as an activity.'

The interview offers important insights to the conditions of truth-telling as well as to the 'problematisation' (*ibid*.: 171) of the truth-teller and the act of truth-telling in the context of the contemporary mass-mediated knowledge economy. In our present time truth-telling is mediated in multiple ways: by the ubiquity of digital media, by institutional, technical and social regulations, and in the specific case of whistleblowing by intermediary organisations that seek to support, channel or capitalise truth-telling in the name of more transparency, democracy or justice. With the consideration of a multi-layered mediated truth-telling process the interview points out specific opportunities and challenges in relation to power, resistance and critique in contemporary surveillance societies (Di Salvo, 2016; Olesen, 2019).

Generally speaking the very fact that the classified NSA documents could be leaked in the first place, shows that disruptive practices against global surveillance systems are (still) possible, and in certain sense are even facilitated by digital media infrastructures. Before Daniel Ellsberg became the first publicly known whistleblower in 1971, he secretly photocopied paper documents, later known as the Pentagon Papers, over a period of almost two years. In his memoirs he describes the painstaking process: 'One hand picked up a page, the

other fit it on the glass, top down, push the button, wait ... lift, move the original to the right while picking another page form the pile ...' (Ellsberg, 2003: 302). He smuggled 47 volumes out of the Pentagon building and handed them over to the journalists of the New York Times and later the Washington Post (*ibid*.). The possibility to copy and paste documents on a digital hard drive or upload them on a networked computer has fundamentally changed the conditions of the overall act (Stalder, 2010).

However, the reasons for secret services' tremendous difficulties in protecting classified state documents are more complex than the change of this information's materiality from analogue to digital. While Ellsberg was contributing to the top-secret study of classified documents as a high-level United States military analyst, and therefore had physical access to the archive within the government building, the 29-year-old Edward Snowden had access to the NSA-Intranet *NSAnet* as one of over 1000 Sysadmins working for private defence and intelligence consulting firms like Booz Allen Hamilton (Harding, 2014). The on-going outsourcing of intelligence work and cooperation of state institutions with external contractors heightens the need for classified records to be accessible and moveable within a larger network of allies. 'This creates the techno-organisational preconditions for massive amounts of information to leak out,' as Felix Stalder (2010) puts it in a nutshell. The media-technological conditions that enable the secret services' surveillance practices and those of cooperating industry organizations, also offer the possibilities for disruptive acts like leaking. It is still not publicly known how Snowden moved the documents from the NSA system, but it seems quite obvious that the operative level of whistleblowing becomes easier with digital media – even though the relevant technical and organisational considerations Lee explains within this interview also demonstrate the emergence of new complexities. The central role of Lee's expertise for the revelations as a journalist, as a technical cybersecurity specialist, as a programmer of the manifesto-website, and as a privacy activist, indicates specific requirements for the act of truth-telling under the conditions of networked information infrastructures and the hegemony of a global surveillance apparatus. It might be easier to get and leak information, but it is also easier to get caught while doing it. The crisis of information security affects the overall process of truth-telling. Therefore new expertise for the act of truth-telling is needed and new players are rising. Investigative journalists, especially those reporting on government and national security, just like whistleblowers, are depending on special knowledge on cybersecurity.

The fact that Micah Lee was contacted by Edward Snowden, because he was the only one who offered an encryption key on the website of the Freedom of the Press Foundation as well as the fact that Glenn Greenwald wasn't able to use the

program PGP and therefore postponed the publication for six months are vividly demonstrating, how challenging and crucial the protection of source and information have become for whistleblowing and a functioning press. Information security is an issue of press freedom and more broadly for truth-telling in general. In this context Micah Lee's work at a news organisation like The Intercept, just as the work of NGOs like the Electronic Frontier Foundation and their security trainings for journalists and activists appear as a critique against the practices of massive monitoring of communication. Their engagement becomes a form of truth-telling about information-governance within the global surveillance apparatus itself.

It seems that it is not the extent of what the journalist Glenn Greenwald (2014: 8) calls the 'secret systems of suspicionless surveillance' that has changed after the NSA leaks, but the accomplishments in the field of privacy enhancing software, which stand against it. New services like the open source whistleblower submission system *SecureDrop* are much easier to use. They are now available and help to protect the truth-teller and his or her information. But the interview also highlights that it takes more than a technical solution to face complex new challenges. Open software might not be more secure in a technical sense, but the transparent source code and the principle of *many eyes* from the open software community can make the services trustworthy. This also demonstrates that transparency and secrecy are not opposites in digital cultures – they can support one another. Open software or the use of a public online platform like Twitter can be of help to keep a secret and protect other people's anonymity.

It is important to take into account that the new challenges in the truth-telling process are deeply entangled with large-scale transformations of digital cultures. In the context of 'surveillance capitalism' (Zuboff, 2019) the extraction and monitoring of masses of data is both a condition for and an expression of a new logic of accumulation. Recent whistleblowing cases are shaped by these conditions: they act with them and against them – and they have to be considered in the process of making the 'truth' seen, heard and recognised by a wider public. Whistleblowers and journalists who are addressing the issues regarding the powerful global surveillance apparatus and make the crisis of information security visible are increasingly scorned or criminalised as 'traitorous violators' of national security, hackers, spies and dangerous betrayers of secrets (Scheuerman, 2014).

Therefore it seems urgent to end the discussion of this interview with a rather political statement: that the disclosure of classified state information via leaking is suddenly a signature of our time seems not to demonstrate a criminal destructiveness of single dissidents. Instead, it seems to be a sign of disruption

within the security apparatus structured by the economic rules of surveillance capitalism (Bazzichelli, 2014). Journalists like Micah Lee and whistleblowers like Edward Snowden make this disruption visible; they are not the reason for the disruption.

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The battle for the whistleblower: An interview with John Kiriakou

Alexis Bushnell, Kate Kenny and Marianna Fotaki

abstract

Whistleblowing, or speaking truth to power, is complex. How truth telling is shaped is an important issue, as is the legitimacy of the individual who speaks out. Both the person who blows the whistle, and the disclosure itself, may be framed differently depending upon the agendas of others. This is further shaped and complicated by the various mediums through which disclosures are made. In what follows we present an interview with CIA whistleblower, John Kiriakou, and discuss its implications for theories of whistleblowing including those drawing on the concept of parrhesia. This case demonstrates the complexities involved in establishing a voice and gaining legitimacy amid contemporary forms of media, alongside the effects of this for the whistleblower.

Introduction

Who is allowed to speak up? Our interview with John Kiriakou, a U.S. *Central Intelligence Agency* (CIA) whistleblower, illustrates the battle for legitimacy that often characterises a whistleblowing struggle. Despite what we might imagine and indeed wish it to be: a simple tale of an ethical hero telling the truth; whistleblowing can involve complex battles over how this truth is told and by whom. Different versions can be used to variously celebrate or denigrate the teller. This forces many whistleblowers to be strategic in managing the ways both they, and their stories, are received. While perhaps appearing calculative to outside observers, it is often an unpalatable necessity of surviving as a whistleblower as we have found elsewhere (Kenny, 2019). The act of 'speaking truth' is by no means straightforward (Perry, 1998).

While this has always been the case, the difficulties experienced by today's whistleblowers in making their claims heard are heightened in an era of ubiquitous news and competing media agendas. John Kiriakou's story exemplifies this. His interview speaks to current debates around the ambivalence with which society often views whistleblowers: as both heroes and traitors. It paints a vivid picture of how it is to blow the whistle on serious, systemic and deep–seated problems within government agencies today, in a world in which attempts to speak up are necessarily mediated through many diverse channels both online and off, and are subject to a range of influences from powerful actors. If, as many organisational theorists claim (Andrade, 2015; Jones et al., 2005; Kenny, 2019; Mansbach, 2009; Rothschild, 2013; Weiskopf and Willmott, 2013), whistleblowing can be seen as an act of parrhesia – speaking truth to power – then stories such as John's helpfully problematise the challenges of gaining an audience for such acts. We interpret John's account of the messy reality of speaking truth to power in an online and mediated world, as an illustration of how the space available for whistleblowing disclosures can be reshaped, the struggles to achieve this, but also the power of vested interests in this process.

'The torture whistleblower'

John Kiriakou is often described as the only person in the United States to be charged with a crime in relation to that country's policy of torture against suspected terrorists, but his 'crime' was to speak publicly about it. In 2007 he gave a TV interview on the CIA's so–called enhanced interrogation programme, thus confirming its existence. Sentenced to 30 months in prison, his treatment was seen as having a chilling effect on other would–be whistleblowers. Those he claims to have engaged in forms of torture, remain insulated from scrutiny and law.

Having begun working with the CIA as an analyst during the Cold War, he became Chief of Counterterrorist Operations in Pakistan after September 11, 2001. Offered training in 'enhanced interrogation techniques' – what is now confirmed as torture under international law (UN General Assembly, 1984) – John describes how he rejected this, having been uncomfortable with witnessing the implementation of the practice post 9/11. Leaving the CIA in 2004, he did not publicly speak about the programme until 2007, when he confirmed in an ABC News interview that torture was implemented systematically, as policy, in U.S. counterterrorism operations.

The Justice Department then concluded that he had committed no crime in speaking up, but five years later the CIA requested his case be reopened under the Obama administration, which was actively cracking down on official leakers and whistleblowers. Originally charged under the Espionage Act, John was charged with revealing names of CIA employees along with sharing classified information with the media, thus violating the Intelligence Identities Protection Act. In 2013, he accepted a plea deal admitting guilt to one count of the latter, in the hope of avoiding the lengthy prison sentence threatened by the US Department of Justice. All other charges were dropped. John was sentenced to two and a half years in prison, not for his disclosure regarding torture, but for speaking to a journalist about a fellow CIA agent and naming him, despite that others in the intelligence community claim this to be common practice for former agents who write books, advise Hollywood producers and serve as sources for reporters (see *Judicial Watch v U.S. Department of Defence*). Critics of John's believe that his disclosures regarding torture are an invalid form of whistleblowing, as he initially did not condemn the interrogation programme in public. Others claim he intentionally leaked his colleague's name in an attempt to raise his own public profile (Coll, 2013). In many circles however John is celebrated as a hero for his important disclosures and his continued work towards ensuring free speech (Blueprint for Free Speech, 2018).

The following interview was carried out by the first author as part of a research project examining whistleblowers' experiences of survival after their disclosure, including the costs of speaking out. [1] This research finds that genuine whistleblowers who no longer work in their organisation and whose names have become public as a result of their disclosure, suffer serious financial and personal hardships and receive little support from society despite performing a vital public service.

The interview

Alexis Bushnell (AB):

One of the things we seem to always see is that people really can't rebuild their career in the sector they were in. So I am wondering what you're doing now.

John Kiriakou (JK):

Yeah. That's a great topic. The bottom line is that none of us [intelligence sector whistleblowers] will ever work in our fields again. We're sort of blacklisted for life. When I got home [from prison], I got a job in a progressive think tank here in Washington – *The Institute for Policy Studies* (IPS). It was a temporary thing because, as you might imagine, like any progressive organisation, they are constantly broke… They make their money on $20 and $50 donations from poor people. So they gave me this job as a visiting fellow just to help me get back on my feet again. I was only making minimum wage. I did that for a year while also writing a weekly column for readersupportednews.org, which I also still do… I left IPS after a year. Then for six months, all I had was this weekly column, which only paid me $400 a week. Finally, the Russians called me. It was the *Sputnik News Agency*. They said that they wanted to offer me my own daily radio show – two-hour show – during the evening drive. I was extraordinarily reluctant to do it. I'm a patriot and also I came of age in the CIA during the Cold War. To work for the Russian government is just something that never in a million years did I ever think that I would do. But nobody is beating down the door to offer me work [...]. So I took the job. I actually like it a lot and I like the people I work with. It's not the first choice of jobs that I would have made but I am fortunate to have it.

AB:

What do you think their motivation was for offering you the job?

JK:

I'm controversial and newsworthy and I speak my mind. I've taken on the government, so to speak, and they like that. Just the fact that they hired me was newsworthy.

AB:

I assume that it's nowhere near what you were making before all of this happened.

JK:

No. It is, I'm going to say, two-thirds of what I was making. And like I say, thank God I have that weekly column, too, because that supplements it. Right now, I am making what I was making 10 years ago.

AB:

Ok. I know you had mentioned in a few different platforms that you spent somewhere around $50,000 for your pleas in court.

JK:

I ended up running up a bill of $1,150,000. I gave [my attorneys] $50,000, which was all I had, and then I raised another $20,000. That was it. That was all I ever paid them…

AB:

Did any of the whistleblower support groups in [Washington] DC prove to be forms of support?

JK:

Yeah, one did. And one actively avoided me. The Government Accountability Project, which is where Jesselyn Radack was at the time, they embraced me. Honestly, I couldn't have got through it without Jesselyn. She's not a criminal defence attorney, but she was my only outreach to the press, to the media. I couldn't speak to the press but she sure could, and she did on my behalf. One of the things that the government does is it just leaks constantly and it gets its side of the story out there so that it can taint the jury pool. And you [a private citizen] normally can't do that, because you're not supposed to speak to the press and they say it can be used against you. But at least I had [Name] planting stories at *Huffington Post, Washington Post, Politico, New York Times*, and I got a fair shake at the media that way.

AB:

Do you feel that the media mediated or controlled your story at all?

JK:

By and large, I feel like I got screwed by the media but not for lack of trying. The media have their own agenda. You can try to offer up a convincing position, but that's not to say they will always buy it. I ended up getting some really great coverage from the *New York Times*, including an editorial calling for the president to pardon me. Then I was ignored by the *Washington Post* – just ignored. The Washington Post was the only major outlet that referred to me as 'CIA Leaker, John Kiriakou'. Every other outlet called me, 'CIA Torture Whistleblower, John

Kiriakou'. Not the Post – I was always 'CIA Leaker'. Politico was hostile. But then I just got fantastic coverage from the *Los Angeles Times,* the *Boston Globe,* the *Pittsburgh Gazette.* They were really supportive. It was these hometown outlets [Washington, DC] that really did me in… They characterise me as an irresponsible leaker… I'll tell you who finally really helped me out was [Name] at CNN. She called me one day and said, 'I'm reading these articles and it's like the mainstream media is just not recognising what it was that you did. They're just focusing on the fact that the information was allegedly classified'. I said, 'Yeah, and misclassified as far as I'm concerned, because it is illegal to classify a criminal act. I believe that torture was a criminal act'. So she had me on her morning show the day before I left for prison. They identified me at the bottom as 'CIA Torture Whistleblower' and then on the ticker, it kept saying 'Whistleblower John Kiriakou speaks out against torture'. So she really helped me. Once she's set the tone and changed my moniker from 'leaker' to 'whistleblower', almost everybody else fell into line. I have one beef with [another network TV host] –I had been on her show a number of times – [she] refers to me this way: 'John Kiriakou, who fancies himself a whistleblower'. Can you imagine saying something like that? So her producer called me about a year ago and asked me to be on the show again and I said, 'Are you out of your fucking mind? I will never ever be on your show again. You guys have shown me disrespect that even the right-wing media hasn't shown me'… I'm a regular on Alex Jones' *InfoWar*s because all they want me to do is talk about the Deep State and bash Obama, which I am perfectly happy to do, even though I am pretty solidly 'left'… Frankly, we end up using each other… if he [Alex Jones] wants to talk to me about rule of law and respect for UN-negotiated treaties, I'm happy to do it. And at the same time, he wants me to criticise Obama and Eric Holder [former U.S. Attorney General]. Again, happy to do it because Donald Trump is not the one who […] and sent me to prison. So at the same time, I used him to reach an audience that I otherwise would never have access to –never. I've become something of a libertarian. I consider myself actually to be part of what is called 'the Libertarian Left'. It allows me to criticise the National Security State and the Justice Department, and to do it from the left but in a way that's appealing to the right. You understand what I mean?

AB:

How can you reach the moderates and people on the left if it's not through mainstream media?

JK:

That's the hardest part. The way I have been able to do it – and, I think, successfully – is to continue writing. [...] So that's what I do. I have written two books about it. I won the PEN First Amendment Award for it – one of the four top literary prizes in America. My weekly column; I would say easily 50% of the columns that I write are about judicial reform, sentencing reform, prison reform, corruption at the Justice Department and the FBI, stuff like that. God knows, the information is out there... I usually get picked up by other outlets, too. About a quarter of the articles that I write, I will get calls from National Public Radio (NPR) stations around the country asking if I will come on their shows, which I always, always say yes to... It's turned out that that's my 'in' to moderate Middle America – NPR.

AB:

Have you used social media? And what do you think about that?

JK:

Yes. I never really paid much attention to social media before I went to prison. When I went to prison, I had about 425 Twitter followers. My cousin ran my Twitter feed while I was in prison and he was a real Twitter nut. So I came home with 30,000 followers, including every national security journalist in Washington. [Describes how he assisted a political candidate by refuting false claims being made by his rival.] I tweeted it and Facebooked it. I have 30,000 on Twitter and 3,800 on Facebook. Immediately, the calls started coming – *Washington Post, New York Times, Time Magazine*. It was crazy. I gave all these interviews. I said, 'This actually has re-legitimised me'. Right after that, I started getting calls from CNN: 'Can you come on at two o'clock and do the show? Can you come on at six o'clock and do the show?' And I always say yes. I even posted something on Facebook to my private page saying, 'Looks like the legitimisation of John Kiriakou has begun, because instead of being asked to be on Iranian television, now I'm being asked to be on CNN again'.

AB:

Do you get any regular people reaching out to you?

JK:

All the time. Literally every single day.

AB:

What are their perceptions of you and your disclosure?

JK:

Universally, that I did a public service... I've gotten thousands and thousands of emails through my website and I have never got a single troll or nasty complaint or anything, nothing like that, nothing... It opens up this whole new world of support that I just never knew existed... I have Daniel Ellsberg to thank for that, too. Dan told me early on that ever since he went public with the Pentagon Papers, he has been broke. He said he has just been financially ruined since 1970 and he said, 'This is the thing – when you decide to turn whistleblower, you ruin yourself financially for life'. And by God, I was determined that that was not going to be me. I was not going to let this ruin me.

AB:

Did you talk to Daniel Ellsberg much? Did you become friends?

JK:

Yeah. All the time. I just talked to him yesterday, as a matter of fact. He's been a great friend and mentor to me, something I will always treasure.

AB:

What did you think about the documentary, *Silenced*? How did you think it went?

JK:

It did me such a service. It's *Silenced* that really informed people about my situation. We were very reluctant to do the film in the first place. [Name] called early on in the process and said, 'There's this documentary filmmaker. He was nominated for an Academy Award last year and he wants to follow you for the year as you go through this experience'. [...] And I'm so glad I did because it got such great coverage. It's still on Netflix, it's on Amazon, it's on iTunes, it's everywhere. A guy wrote to me the other day and said he saw it on the plane. He has really done me a great service, Jim Spione [Director of *Silenced*]. And then on top of that, it was nominated for an Emmy for Best Documentary. We have become good friends. [...] I've got emails from people as far away as Kazakhstan because of *Silenced*. People saw it all over the world.

AB:

Were there any other forms of media or encounters with media that you had?

JK:

[Describes an invitation offered by a mainstream TV host, after a mutual acquaintance requested it] 'Yeah. Tell him we will treat him like a king.' So I went up to New York and they did treat me like a king, first class train travel, they gave me a $500 tab at a Greek restaurant right by the Rockefeller Centre, a limo picked me, took me to the studio and then she eviscerated me on national television... I was blindsided.

AB:

I wonder why she took the position that she did. Was it her own personal thought that you are awful or was she asked to do that?

JK:

Honest to God, I have no idea because I really thought it would be positive... [Regarding being asked for an interview with another journalist, by a mutual friend] I said, 'Thanks...I'm not interested. I've been so screwed by these people so many times I just can't'. He said, 'I'm telling you he's going to give you a fair shake. You want this because you want something positive to build on so you can ask for a pardon'. So I reluctantly – and as it turns out, stupidly – agreed to speak to [the journalist...]. He comes down to the house. He spends a couple of days with us. He follows me around. He talks to the attorneys. Then I go to prison for a month and the article comes out... and he just kills me... Just killed me. So now I do it on my own terms. Unless you're some obscure blogger or podcaster, I'm not going to rehash old stuff. If you want to talk about rule of law, I'll give you an interview. If you want to talk about corruption in the Justice Department, happy to talk about it. Or we can talk about contemporary stuff: terrorism, intelligence policy, CIA reorganisation. Otherwise, I'm done talking about my *ABC News* interview in 2007.

AB:

Ok. Do think that you could ever get a job in the Intelligence Community in America again or not?

JK:

No. Never in the intelligence community. I will say that I have been in touch with a couple of companies, serious major global companies. You know what it is? It's *Silenced.* This... company CEO saw *Silenced* on a plane and sought me out and found me. We've had half a dozen conversations and he wants to bring me into the company as the corporate spokesman. So that would actually be more money than I have ever made in my life. But we're not quite there yet; we're still talking. I think once the legalities are set aside, yeah, I think I can make a comeback financially – but not in the intelligence community, never.

AB:

What was your experience of prison like?

JK:

I thought I was going to a minimum-security camp and they screwed me when I got there. The judge had ordered that I go to a minimum-security camp and when I arrived, they took me to the actual prison. I said, 'No, no, I'm supposed to be at the camp across the street', and the guy laughed at me and said, 'Not according to my paperwork, you're not'. So it took me five days to get access to a phone. I called my attorney and I said, 'Hey, they put me in the actual prison with the paedophiles... and the drug kingpins. What do I do?'. He said, 'Oh my God, we could file a motion but it will be two years before we get a hearing and you will be home by then. You're just going to have to tough it out'. So I decided that I'm going to fall back on my CIA training and I am going to do anything and everything that I needed to do to protect myself. And I got this book written.

AB:

Was it quite regimented in there? Are you on schedules?

JK:

Yeah, it was regimented; it was violence. Everything that you see and hear on MSNBC at 11 o'clock at night when they run those prison shows: it was as bad as you think.

AB:

Did your identity change at all through all the years of this going on?

JK:

Sure, absolutely. [The CIA] made me a martyr for human rights and civil liberties.

AB:

Are you ok with that?

JK:

Yeah, I embrace it. [A senior member of] the CIA tweeted at me a couple of days before I left the prison... He said, 'Don't drop the soap, asshole'. So I gave myself a few hours... And I tweeted back at him and said, '[Name], I am on the right side of history and you are not'. I left it at that. I'm not the one that committed crimes against humanity and war crimes. I can sleep at night with what I did.

AB:

Have any legal groups or international lawyers or anyone come to you about the crimes against humanity or about the torture – prosecuting the people involved?

JK:

A couple of times, they have. I have addressed the European Parliament twice. In May, I flew to Germany to meet with Angela Merkel's national security advisor on torture issues. So in Europe I am this big star where I meet with senior political figures in Western Europe, and here I cannot get a job at Target, which is literally true.

AB:

Did you apply for positions at places like Target?

JK:

Yeah. Sure.

AB:

Besides the Inspector General, do you think there's any way that people can actually do anything about whistleblowing claims in the intelligence community?

JK:

Not really. That's really the $64,000 question right there because look at Tom Drake.[2] Tom Drake is the perfect example of someone who did it exactly the way you're supposed to do it. He went completely through his chain of command: National Security Agency, Department of Defence, and then he went to the Congressional Oversight Committees and they charge him with nine felonies, including seven counts of espionage. It's irrelevant that the case eventually fell apart. What is relevant is that he did everything the way he was supposed to; everything legally, and they completely ruined him. They ruined him. He'll never make a comeback – he's working at the Apple Store for all these years… That's what they set out to do. They set out to ruin you, to make you an example for anybody else who is considering blowing the whistle: 'You see what we did to Drake? You want the same thing to happen to you? You see Kiriakou went to prison? You want to go to prison too?'

AB:

Do you think that this is sort of a coordinated playbook; that they already know exactly what they're going to do if people come out [disclose corruption and abuse] to the public?

JK:

Absolutely. I told Ed Snowden the same thing: 'Don't come home. The fix is in.' Actually, his dad came to visit me in prison to thank me. He asked me what attorneys he should hire. I said, 'Hire my attorneys. They're the best ones'. And he did. So I was able to get messages back to him. I said, 'Don't come home unless you have something called an 11 C1C deal'. That means that your plea and your sentence are written in stone, because what they are going to do is you're going to come back and you're going to think you have a deal and you're going to stand there in the eastern district of Virginia, which is the 'Espionage Court', that's what they call it, and you are going to plead guilty thinking you have a deal and they're going to put you in prison for the rest of your life. And you have no recourse and you're going to die in there. That's what they want to happen. So don't come home.

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2   Thomas Drake is a former NSA senior executive and whistleblower who exposed what he believed to be illegalities committed by the NSA. He was charged under the US Espionage Act and ultimately these charges were dropped.

AB:

How were you able to communicate with Edward without being caught? In this whole atmosphere of big data and surveillance, how is it possible?

JK:

Yeah. We do it through mutual friends who pass the messages back and forth and the messages are not in writing. Literally anything can be intercepted. We have mutual attorneys. We have a couple of mutual friends who go back and forth and visit him. I just passed my messages through them.

AB:

I see. Do you think there are young drone operators [and others in the Intelligence and Defence Community] who see abuse happening and want to address it? Have you seen any of the millennial generation?

JK:

Yeah… I actually met some drone operators who had left the military and had gone home. [They] sought me out after a speech… a couple of years ago, saying that they had the same concerns, that they were ordered to fire a rocket and they refused because there was a child standing there next to the target. The commanding officer said, 'It's not a child, it's a goat. Fire'. And he said, 'I'm telling you. I'm looking at the screen. It's a child'. And he refused to fire and was dishonorably discharged for it.

AB:

Are they coming out at younger ages? [Previous National Security whistleblowers] were obviously at retirement age.

JK:

Yeah, I think so. It's not people who have been in for 15 or 20 years. It's the young people, and they're going to be the people that will lead this debate… We're in this new, bizarre world, though, where everything is a felony under the Espionage Act. That's thanks to Barack Obama. It's Barack Obama that set that standard – that any contact with the press should be prosecuted through the Espionage Act… They even put it on the 2012 campaign website, that they were cracking down on leakers and using the Espionage Act to make sure that people respect their secrecy agreements. But they are bragging about this.

AB:

Do you think there is any way that that would be rolled back under a Trump administration? Or do you think he's concerned?

JK:

No, I don't. I've written about this too. The Espionage Act was written in 1917 to combat German saboteurs during the First World War. It's never been updated. It doesn't even mention classified information. It mentions national defence information because the classification system wasn't even invented until the 1950s. But no one's ever defined what 'national defence information' is. So the government – the justice department – can easily use the act to crack down on dissent because none of these things are defined. The problem is on Capitol Hill, you don't win any new votes by rewriting the Espionage Act and you don't get any new PAC money by rewriting the Espionage Act. So no one messes with it. If you do rewrite the Espionage Act, you're going to be accused of being weak on traitors and spies. Nobody's going to do it.

AB:

Well thank you so much for talking to me. I know I've taken up a lot of your time. Would you mind if I follow up with you in the future about some of this?

JK: You're welcome. Oh, no, not at all. Feel Free.

Discussion

In what follows, we reflect on this interview in light of what we have learned to date through organisation studies of whistleblowing. It is important to note that this is an extreme case; John Kiriakou was a U.S. intelligence whistleblower. This means he was in a particularly vulnerable position. Intelligence whistleblowers have weaker legislative protections and a more ambivalent public profile than those in other sectors. Even so, we believe that John's story sheds light on other examples of whistleblowing. Specifically, it illustrates a weakness in how we currently understand whistleblowers: scholars underestimate the difficulty of gaining a platform for engaging in public debate, and sustaining it in the face of powerful opposition.

This lacuna may relate to the recent influence of Michel Foucault's ideas on parrhesia in scholarship on organisational whistleblowing (Jack, 2004; Jones et al., 2005; Mansbach, 2009; 2011; Vandekerckhove and Langenberg, 2012). A

parrhesiastes is one who embodies an act of brave speech that is designed to instigate change. For example in the case of a philosopher: 'when a philosopher addresses himself to a sovereign, to a tyrant, and tells him that his tyranny is disturbing and unpleasant because tyranny is incompatible with justice, then the philosopher speaks the truth, believes he is speaking the truth, and more than that, also takes a risk' (Foucault, 1983: 4). The parrhesiastes is thus one who speaks truth to power, and who risks his life to do so. In Foucault's earlier writings, this figure necessarily holds a 'legitimate' position in Ancient Greek society – as a philosopher, an honorable citizen or a recognised teacher (Foucault, 2005), or as an advisor to the monarch who has been tasked with speaking truth (Foucault, 2010). As Foucault later notes in his second Collège de France lecture held in 1984, the development of the Greek polis and democratisation in relation to this, saw parrhesia become, in theory, the right of every citizen. It is this position that enables him to engage in brave speech of this kind, and that requires others to listen even if they disagree or find themselves threatened by the words. In other words, the speech uttered by the person occupying this subject position is not censored, because they are perceived to be a valid, legitimate, speaking subject (cf. Kenny, 2018).

Today, then, the concept of parrhesia is increasingly influential in how organisation scholars view whistleblowing (Andrade, 2015; Weiskopf and Willmott, 2013). It is a compelling theory for this purpose not least because it frames whistleblowing as an attempt by someone of a relatively low status in a power hierarchy to disrupt the status quo by speaking the truth as they see it (Contu, 2014; Weiskopf and Tobias-Miersch, 2016). It invokes a view of whistleblowing as 'at once an act of resistance and an act of integrity' (Rothschild, 2013: 656), that is, something to be proud of. Moreover it highlights how this ethical act is embodied by the speaker – they 'come into being' as parrhesiast through their speech – it is thus a lived practice. A parrhesia lens enables scholars to view the whistleblower as a political subject attempting to achieve positive change; it thus helps to counter the famous ambiguity that accompanies speaking truth to power, where some perceive whistleblowers as heroes, others seeing them as traitors (Jones et al., 2005; Mansbach, 2009; Rothschild, 2013). However, until now the whistleblower tends to be idealised as an extraordinary hero rather than a real human in need of assistance, in scholarly work on the topic (Brown, 2017; Kenny, 2019).

John Kiriakou spoke publicly about the CIA's programme of enhanced interrogation, the techniques of which have been universally condemned as torture. He told the American public what he saw as the truth regarding this CIA programme: that it existed and was systematically applied to terror suspects. This contradicted official government accounts. John challenged the moral integrity of

a powerful state through his statements in the public sphere, and thus attempted to create change in the context of asymmetrical power relations (see also Mansbach, 2011; Weiskopf and Willmott, 2013). In part, through such statements, human rights organisations, lawyers and scholars were able to confirm reports they already had on the torture of terrorism suspects carried out by U.S. state actors. The public could begin a meaningful dialogue regarding these practices and what their application means for democratic states, international law, military and ethics. In the U.S. the resulting public debate led to the technique known as 'waterboarding', along with others implemented as part of enhanced interrogation, being prohibited by Congress in the National Defence Authorization Act (The National Defence Authorization Act, 2016). John's own continued practice is to engage in truth-telling of other kinds where he sees the need, through his writing and speaking. In many ways, therefore, he exemplifies what others have described as a 'parrhesiastic whistleblower'.

But what can we learn from his account? A key aspect of parrhesia in its application to organisational whistleblowing is the idea that the speaker will be heard. The classical figure of the parrhesiastes is one who has been granted legitimacy to speak freely and frankly, either by a recognised authority or by his status as citizen. Either way, they occupy the subject position of a valid speaker. Without this legitimacy they are merely speaking into a vacuum and the political impact of their statement is lost. John's situation is different. For him, an audience is neither automatic nor stable. Rather he is embroiled in an ongoing battle to gain and sustain legitimacy: to be seen as a person whose speech is deemed to be valid. We see how some players attempt to de-legitimise him and his truth, even as others provide a platform for his story. We see the shifting and ever-changing landscape in which different sources offer and withdraw support. Against a complex backdrop of political debate around national security and torture, in John's case the truth is both contested and political (Foucault, 1997; see also Munro, 2017), as is his own position as whistleblower. Reflecting other studies of whistleblowers, the role of media in his struggle is crucial (Fotaki et al., 2015; Kenny et al., 2018a; Kenny, 2019). For John, financial and political interests on the part of those owning particular news outlets influence where and how his story is told.

As a whistleblower, his very subject position – who he is perceived to be – is caught up in wider networks of influence that determined whether he should be seen as a valid speaker or not. At the time, powerful actors dictated official discourse around the CIA's practices: what could and could not be said about this organisation. Torture practices were carefully 're-framed' (Butler, 2009) as interrogation techniques, for example, with the purpose of legitimising and normalising these. The media presentation of John's case focused on whether

the documents he described were classified or otherwise, rather than their contents. He transgressed these official accounts, and for this reason, his own position was deemed unacceptable. By calling out his organisation's practices as torture, and as illegal, John upset the dominant narrative and therefore his very self was excluded from what was considered to be an acceptable speaking subject (Butler, 1997, see also Kenny, 2018a; Kenny et al., 2018b). To achieve this, he was reframed through the use of different labels to describe him ('torture whistleblower' in some cases, 'CIA leaker' in others). As he notes, such terms really do 'set the tone', changing how he is perceived and whether he is listened to. This demonstrates the power of framing discourse that prescribes who 'counts' as legitimate whistleblower, and who does not – John was presented as a mere leaker of classified information and a person who broke the law in so doing.

The consequences of framing are not simply linguistic or discursive however. As we see, where frames are disrupted this can have serious material implications for the disrupter. His act of speech – which transgressed the official framing – invited what Butler terms 'normative violence' (Butler, 2004). Cast out in this way and presented as an 'impossible' figure excluded by official channels from engaging in public debate on issues relating to his case, he became the recipient of various forms of aggression through his act of disruptive speech resulting in financial precarity and his own incarceration.

Returning to contemporary scholarship on organisational whistleblowing including studies drawing on the concept of parrhesia, we find that they can downplay the difficulty of reaching an audience that will listen (see also Vandekerckhove and Langenberg, 2012). Studies often imply that courage, and the acts it prompts, will be enough. But speaking truth to power necessarily involves legitimacy – 'validity'– as a speaking subject. And this often comes with struggle. Parrhesia is therefore a more vulnerable and contingent practice than often implied in the literature. Against a backdrop in which the whistleblower has little public support, its very emergence will be subject to powerful interests capable of framing certain debates, along with vulnerability to the normative violence that can ensue.

But contra to many accounts depicting whistleblowers as simply victims, John's story highlights the ways in which he resists the framing imposed upon him. He was engaged in a battle over his own name. He describes how, to opt out of a continued fight to be heard, across different media including books, social media, TV and radio, is to risk losing control of his story. Unlike many whistleblowers, John is keenly self-aware of how he is perceived. We see his attempts to strategically manage the narrative through contemporary forms of

social and alternative outlets. We see the bittersweet nature of this, for example, in his mistreatment by journalists he trusted (see also Kenny et al., 2018a). We see the essential role of others in his struggle in other whistleblowers including Daniel Ellsberg and Edward Snowden whose stories, shows of support and practical advice are invaluable. In all of this however, John stresses persistence, noting that if he speaks about his story continually, it will be his version of events that remains in the public imaginary; his 'side of the story will be the side of record'.

Finally, we note that John's narrative highlights the less–articulated but vital issue of material supports for speaking out, and the often grim necessity of trying to make ends meet. We have found in our research that this is often an area of struggle that whistleblowers can themselves downplay, for fear of being stigmatised in a world that equates legitimacy with social status (Fotaki et al., 2015). Whistleblowers often struggle financially and thus their ongoing attempts to make their claims heard can be tied up in the messy reality of trying to find ways to supplement income as John's work for controversial news outlets suggests. Perhaps his very material vulnerability contributes to his enrolment in wider international political dynamics, as he is sought out by Russian channels who wish to draw on his status as critic of the US for their own aims. It also appears to enroll him in corporate America, through for example the offer of work by a 'major global company', to act as a spokesman and make 'more money than I have ever made in my life'.

Concluding thoughts

Whistleblowing is often complex and rarely pretty. We might wish the stories of society's truth tellers to be straightforward tales of heroes that struggle to bring the plain truth to the attention of the public, albeit that they suffer many obstacles to achieve their ultimate goal of righting serious wrongs. But clinging to such fantasies is both simplistic, and unfair. The odds are frequently stacked against those who attempt to break from the norms of their organisation and transgress implicit rules of silence. Reprisals against known whistleblowers are common, blacklisting is a frequent occurrence and the devastating impacts on the lives of whistleblowers: their health, finances, relationships and careers, are well-known. To counter this, whistleblowers often find, early on, that the truth is simply not enough. The articulation of truth necessarily involves continual strategies of managing one's image, refuting counter-narratives, and of engaging with media in an instrumental fashion, as for example John has done. John's story certainly shows the complex and myriad reshaping of space for speaking out (Nayar, 2010) enabled by new forms of mediation today (Bachmann et al.,

2017; Munro, 2017). Against this backdrop, the battle for the name of the whistleblower continues. In this battle, however, the 'balance' of power appears weighted in favour of the well-resourced organisation and its capacity for influence over legal processes and communication channels (Alford, 2001). Today society offers little support for whistleblowers that attempt to inform us about grievous wrongdoing in their organisations. And this needs to change (for how this can be achieved see http://www.whistleblowingimpact.org).

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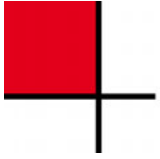
Overcoming stigma: Whistleblowers as 'supranormal' members of society?

Ian Foxley

abstract

Stigma originated in Classical Greece as a social mechanism marking specific individuals as blemished, ritually polluted and to be avoided, especially in public places and designed to expose something unusual and bad about the moral status of the bearer. Such practices occur today, especially to those willing to step forward to expose immorality, illegality, or abuse in all sectors of society often at great personal and professional expense to themselves and their families. This research note explores ethical-political dimensions of whistleblowing through the lens of stigma, documenting the experience of current UK whistleblowers and the ways in which stigma is applied to them. Taking Goffman's delineation of social normality and abnormality, it contributes to a greater understanding of whistleblowing in general by questioning if they suffered stigma as a result of their disclosures and proposes that Goffman's compartmentalisation of society could be expanded to incorporate a new definition of *supranormal* as a core segment of normality covering whistleblowers.

Introduction

> Pity therefore the messengers who are marked and stigmatised for their unfortunate role rather than their message. (Sophocles, 441 BC/2013)

Stigma is a Classical Greek term referring to bodily signs (e.g. branding, tattooing, cutting) designed to expose something unusual and bad about the moral status of the bearer. The signs were burned, marked or cut, into an exposed part of the body (stigmatisation) to mark them as a blemished person, ritually polluted and to be avoided, especially in public places. The secondary purpose was to actively deter others from following their example (Goffman,

1963). Inflicting harm on those who are the bearers of bad news has long been a means of sending a clear negative response both to the originator and to all who observe its reception.

This research note explores the ethical-political dimensions of whistleblowing through the lens of stigma, documenting the experience of current UK whistleblowers. It is based on empirical research conducted in 2017 for a Master's dissertation (Foxley, 2017) at the *Centre of Applied Human Rights (CAHR)*, University of York, and is currently being developed as doctoral research. Taking Goffman's delineation of social normality and abnormality, it attempts to contribute to a greater understanding of whistleblowing in general by questioning if and how they were stigmatised as a result of their disclosures, and further proposes an extension of Goffman's binary delineation of normality to incorporate a notion of whistleblowers as 'supranormal', as opposed to a stigmatised categorisation of 'abnormal' members of an ethical society.

The status of the whistleblower

The standard definition of whistleblowing is: 'the disclosure by organization members (former or current) of illegal, immoral and illegitimate practices under the control of their employers to persons and organizations that may be able to effect action' (Miceli and Near, 1985: 2). Whistleblowers are commonly defined as individuals acting to prevent harm in others, trying first to rectify the situation within the framework of their organisation, and in possession of evidence that would convince a reasonable person (Glazer and Glazer, 1989) that wrongdoing has occurred. But whistleblowers are frequently charged with subversion or labelled as otherwise socially and professionally undesirable in order to isolate them from their own population (Bjørkelo and Macko, 2012). 'Naming and shaming' has become a modern technique as a form of public punishment made popular, and easier, through the advent of social media (Ronson, 2016). This 'stigmatisation' is used as a weapon to restrict their activities, reduce their voice and remove popular support for the messages they speak (Ash, 2016). Organisations appear to use systematic destruction of the individual's reputation through stigmatisation as a primary defensive mechanism: the credibility of the disclosure and the witness versus the organisation's credibility in explaining the disputed issue is a key factor in a reputational battle (Alford, 2001; Devine and Maassarani, 2011).

The efficacy of whistleblowing relies upon credibility, which in turn is founded on the validity of the evidence and the trustworthiness of the disclosee (Paul and Townsend, 1996). Whilst organisations or regimes might not easily refute

documented evidence, they can more easily damage or destroy a reputation, and thus the credibility of the individual. Indeed, if the character and evidence of the whistleblower are believed then the perpetrators and their organisation stand to have their personal, professional and corporate reputations damaged with potentially enormous commercial, political and economic losses ensuing (Dasgupta and Kesharwani, 2010). Thus, the issue of disclosure of wrong-doing rapidly escalates into a war of reputations as a matter of survival and stigmatisation of the individual, or the organisation, becomes a key weapon in this war for public credibility. This conflict therefore becomes, politically, a matter of organisational transgression versus individual transgression (Alford, 2001). As the sovereign or corporate entity utilises the full range of its soft and hard resources to diminish the threat, it frequently reduces the credibility of the witness, and therefore of his/her evidence, and deters others from following a similar path. Thus, stigmatisation of the individual becomes an essential element of the organisation's defensive strategy.

There is an oft-voiced organisational 'concern' that whistleblowers are 'snitches' or 'telltales', mere informers acting out of grudge or profit driven self-interest rather than a sense of duty or citizenship (Armstrong et al., 2015; Oakley and Myers, 2004; Skivenes and Trygstad, 2010). Thus, in the public eye, this labelling subtly induces a paradoxical skepticism about the true motives of whistleblowers set against the valuable insights and knowledge that they bring regarding illegal, immoral or abusive behaviour (Vinten, 1994).

It is this ethical paradox that is most interesting: why does society seemingly turn against people who are trying to do good and honest things? Is it a gullible society reacting to a protectionist message framed by vested interests wishing to safeguard the status quo, or is there a much more deep-seated emotion (fear) that views loyalty to the local group over the higher principle of wider civic citizenship (Hay and Payne, 2015; Vinten, 1994)? The core of the ethico-political problem is that in order for society to be integrated, it must not only give the impression of being honest, coherent and continuous, it must appear to be integrated with a transcendent moral order (Shils, 1975). Thus, for an individual to question this appearance, and produce proof that it is at fault or is failing in one of its essential duties, goes to the very heart of what that society, regime or organisation is trying to portray and places the individual at odds with it (Alford, 2001). Ethically, it should follow honest practices; politically, it might not be expedient to do so, and brave is the individual who stands up to publicly say that they do otherwise.

It is not the message or the messenger that is at fault. It is rather the inability of the society or organisation to accept that it can be at fault and is thus less than the honest, coherent and ethical entity it endeavours to portray. But for society to

improve it must know what, when, where and how things go wrong within it and it is important that individuals feel that they can speak up, honestly and without fear of recrimination or stigma, when they observe wrong-doing or abuse. We need therefore to know what happens to them when they speak up, how they respond to the reaction they receive and, therefore, how we might develop greater protection for others who might do so in future. So, what can we learn from whistleblowers' experience of stigma and how they cope with it?

Stigma

Stigma is the designation of an attribute that is deeply discrediting which will lead to the rejection or isolation of an individual by his/her society (Goffman, 1963). It exists when elements of labelling, stereotyping, separation, status loss, and discrimination occur together in a power situation that allows them (Link and Phelan, 2001). Link and Phelan's description accurately describes the experience that most whistleblowers undergo (Alford, 2001; Ash, 2016; Glazer and Glazer, 1989; Harding, 2015; Miceli et al., 2008) and thus it is reasonable to accept that the underlying process is systematically applied and is not particular to any specific individual.

The purpose of stigmatisation

Stigmatization is a humbling experience. Essentially, it seeks to isolate, degrade in status, and publicly mark and ostracise the incumbent. It produces a confusion in the mind where, what should be a source of pride, becomes a source of shame and humility, producing pain not pleasure. Shame, in its turn, leads to a lowering of self-esteem and a reduction in self-confidence: equally, self-respect and public respect stand and fall together. Stigma denigrates: it attacks the individual's sense of worth and self-respect undermining one's sense of value to others where public esteem is deemed to be the greatest good and to be ill-spoken of is the greatest evil. Public esteem for the individual, or lack of it, depends on that individual's success or failure judged on the basis of some code which embodies that society's values. Thus, to be stigmatised unfairly appears to the 'victim' to be not only unfair but unjust, and to an individual motivated by honest intent acting to do good for others, such labelling is abhorrent (Taylor, 1985). This strategic framing as the 'Mad or bad' (UK) (or 'Nuts and sluts' (US)), offers the organisation/regime the opportunity to distract attention through deflection of blame and transform the process from one of ethical disclosure into one of personal wrong-doing and thus discipline (Alford, 2001). In the corporate world, it is often expressed as employee underperformance, personal troublemaking, or even theft of company information; in the

societal/governmental world it manifests in misrepresented intelligence data, accusations of subversion, traitor status, organised revolution and even terrorism (Bennett et al., 2015; UN General Assembly, 2015).

Stigma as a means of social control

In extremis, we have the spectre of an Orwellian world where, in a parallel to Winston Smith, the dissenter's mental health is questioned for daring to question the established order and is in need therefore of re-education – a world that became all too real in the 'cultural revolution' of Maoist China and the Gulag era of Stalinist Russia (Orwell, 1949). 'Social controls' refer to the processes and structures used to prevent or reduce deviance (Cohen, 1985). Thus, stigmatisation becomes a political weapon wielded surreptitiously as a form of social control by organisations in order to punish the instigator, whilst deterring and pre-emptively disciplining others. Notably though, when societies allow, or at least do not object, to the use of stigma against those who act to blow the whistle on acts of immorality, illegality, injustice or abuse, they implicitly endorse such organisational behaviour which then becomes the accepted 'norm'.

But the sacrifice of the whistleblower on the altar of organisational or societal political necessity cannot be acknowledged: it must remain private and hidden (Alford, 2001). Alford's premise on societal power needs extending to add that the act of stigmatisation *must* remain unrecognised by that power, because to do otherwise obliges it, if it wishes to remain regarded as a transcendent ethical entity, to take action to rectify the situation. This is why, despite the overwhelming evidence of violations against whistleblowers there is an organisational inertia to respond, effectively protect and compensate those who dare to 'speak truth to power'. To do so would invite others to follow their path and thus the political takes priority over the ethical.

Deviance or abnormality?

Alford introduces the idea of the individual who steps outside his or her society as a deviant, even if it is accomplished for the most noble of reasons. Thus, we are forced to consider the purposeful sub-liminal labelling of whistleblowers as outsiders to be ostracised by the organisation or society and cast 'beyond the pale' (Alford, 2001: 23). Lakoff bridges the conceptual gap between Goffman and Alford recognising that actions which are characterised metaphorically as 'deviant' are those which threaten the identity of *normal* people, because they call into question their most common and sacred values (Lakoff, 1996). But 'deviant' actions, as enacted by whistleblowers, are particularly threatening through their potential to affect other members of the organisation or society by 'pioneering' a new path which questions an accepted practice and which others may then feel

safe to travel if the pathfinder is not suppressed. The danger perceived by the organisation or regime of course is that once the dam is broken, the deluge will overcome those who live safely in the hinterland below. Alford goes further to declare that the purpose of 'sacrificing' the whistleblower is to prevent the outbreak of an epidemic of ethical responsibility that would 'threaten to engulf the organization (and existing structures of the local society/regime or government), destroying its ability (or so its members fear) to maintain its boundless autonomy in a hostile world' (Alford, 2001: 130).[1]

Becker's 'labelling theory' incorporates the concept of stigma noting that the majority in a society negatively label a minority or those believed to deviate from the standard accepted cultural norm (Becker, 1963). But it does not appear to address the paradox of the exponent of norms disclosing an abnormality, and thereby being 'labelled' as deviant for breaking a 'secret norm' against confidential disclosure. I describe this as 'the whistleblowing paradox' whereby we are faced with the contradictory proposition of Society publicly declaring support for the honest disclosure of wrongdoing and then penalising those who practice it by stigmatising them. Few, if any, whistleblowers would consider themselves as deviants, even though by definition their behaviour could be considered to deviate from the accepted status quo in their immediate socio-political environment. Neither though do they consider themselves as 'rule creators' or 'enforcers' in Becker's sense, but more in the role of rule notifiers, informing the creators and enforcers that a deviation has occurred and reminding them of their obligations to note, investigate and act to correct the issue. Cohen (1966) observes that where there are rules there is deviance but he also notes that it can serve as a warning signal to the organisation or society that there is a systemic or procedural failing that needs attention and rectification. The basis of the deviant or abnormal behaviour is founded on its validity and propriety and thus may be considered to be non-conformist rather than aberrant. The non-conformer 'aims to change the norms he is denying in practice … he wants to replace what he believes to be morally suspect norms with ones having a sound moral base' (Cohen, 1966: 19). This reflects very well with the motivational reasoning of whistleblowers whom Becker (1963) termed 'moral entrepreneurs', those with a strong enough personal interest in the enactment of the law to take the initiative and press for its passage. The problem for the organisation/regime is that whistleblowers upset 'the moral order' by pointing out its deficiencies and immorality or lack of integrity (Lakoff, 1996).

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1   The additions in brackets here are my extensions to Alford's quotes.

Imposed or participative?

Goffman (1963) expands on the original overt signs of 'stigma' to describe clearly their categorisation in the physical, moral/ethical and tribal spheres and thus brings us to the core concept of acceptance, or rejection, within society. But his description of 'actual' and 'virtual identity' is incomplete: he offers us the concept of an imposed virtual identity but does not appear to recognise the ability of the individual to influence such an image projection to create their own 'acceptable' version of it (Goffman, 1963). Thus, stigma is imposed upon its victims as if they are incapable of resisting or fighting back. Stigma might be created by society, but it does not need to be accepted by the individual: indeed, by the end of his treatise, Goffman recognises that it is *not* a simple two-part process but a participative process and thus, implicitly, it can be moulded.

Normal versus abnormal

Central to Goffman's thesis is the idea of societal normality with the obvious creation of 'the normals', and thus the corollary of 'the ab-normals' who are designated as 'the stigmatised', but he also creates an interpretative social element of 'the wise' as those who understand, normally through some form of personal experience or interaction with the stigmatised, and who thus, to a greater degree, accept them within their social range (Goffman, 1963). Whilst formative and pioneering, his work needs updating to include the advent of modern communications and how it has affected the creation and propagation of stigma, including the ability of the individual to affect change to wider perceptions of an imposed virtual identity and the use of social media to stigmatise and publicly shame those who are deemed to offend modern sensibilities.

Research design

In 2017, I conducted a study which qualitatively investigated primary case studies of fourteen UK based whistleblowers, regardless of their age, disability, ethnicity, or gender and across the widest possible range of occupations (Foxley, 2017). It sought to determine common factors in their experience of stigma and the coping strategies they had developed in order to survive it. Further interviews were conducted to determine whether UK national policymakers and the media were aware of the stigmatisation of whistleblowers and how they responded to it.

Population, sample and sampling techniques

Interviewees were recruited using purposive sampling (Bryman, 2008), based on my prior knowledge of possible participants who were whistleblowers, and therefore relevant to the research questions, and associated populations in national policymaking and the media, and virtual snowball sampling techniques (*ibid.*) based on the *Whistleblowers UK* virtual social network. This was supported by empirical evidence gained through research interviews and direct personal experience/observation.[2] All interviewees were independent of each other and did not collaborate in giving their personal contributions.

Conduct of interviews

Interviews were conducted mid-2017 in a place of the interviewees' choosing in order to allow them to feel as relaxed and comfortable as possible. Interviews lasted about an hour and were audio recorded, with complementary contemporaneous notes. Interviewees were invited to identify themselves and their occupation and then recollect their whistleblowing experience and the effect it had upon them. They were then questioned as to how they had coped and what strategies they had developed or recognised in order to manage the additional stresses and pressures in their personal and professional lives.[3] Interviews followed a semi-structured format with an interview schedule of detailed questions and standard definitions of stigma (Goffman, 1963) and Human Rights Defenders (HRD) (OHCHR, 2004). This format enabled sufficient structure to facilitate data analysis and provided a consistent approach across all research interviews, but retained sufficient flexibility for participants to respond fluently and in context (Whittaker, 2009).

As an original whistleblower, I was already aware of the profound effects of stigma and found this had therefore three important considerations: comparison with personal experience and observations, consequential effect on whistleblower interviewees, and a requirement to remove bias. The output of the interviews was compared with my own personal experience as an independently interviewed whistleblower to observe how closely interviewee responses concurred or differed

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2   The author was the inaugural chairman of Whistleblowers UK from 2012 - 2015, an NGO founded to campaign and support whistleblowers.

3   Interviews were allowed to flow freely within the outline structure presented in the interview schedule. Policymakers and media representatives were asked to offer observations from their particular perspectives and experience of contact with whistleblowers.

with my own experience.4 Primary interviewees remarked that, as 'fellow whistleblowers', they could relax, open up and reveal more of their deeper emotions because they felt that they were understood by an interviewer who had endured the same experience. This freedom extended to both policymakers and representatives of the media who were aware of my experience and who afforded me a deeper and more qualified view than I might otherwise have been allowed. However, I was very self-aware that I needed to minimise any active or passive bias brought about by my own experience. Therefore, I had to exercise considerable restraint during the interview process in order not to actively participate, qualify or endorse their statements, which might have skewed the results of the interviews (Payne and Payne, 2004). I recognise also that only UK based, English-speaking whistleblowers were interviewed and that this might have limited the variety of opinions given as they were sourced from the same society where social and cultural influences are, inevitably, similar. Further research might compare whether other social or cultural factors affect the treatment, and therefore coping strategies, of whistleblowers.

Findings: The whistleblower's experience of stigma

The primary factor in surviving the stresses of whistleblowing is the support of the 'spouse' or partner, the family and close friends. This accords wholly with earlier findings by Glazer and Glazer (1989) and Alford (2001).

Many interviewees used physical exercise as a counter to stress and found telling or writing their story was cathartic. Counselling or direct psychiatric support was helpful but most interviewees stated that group support from people who understand, is most helpful and very therapeutic:

> Friends and family have been biggest thing to help me cope.5 (Peter)

> My wife has been my rock. Utterly. I doubt I could have survived without her. (Ian)

Personal and public esteem was enhanced through the process of group support, and most whistleblowers either were removed or removed themselves from the environment, which greatly lowered stress levels. Media support was noted as very important in the fight for credibility and reputations: having a major

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4   Noting that I already had a history of whistleblowing, and associated stigma, to reduce any risk of bias I was interviewed independently by two experienced Financial Times investigative journalists and the recorded interview forms part of the research interviews since it covered the same ground and format as the other whistleblower research interviews.

5   All quotes cited are referenced in Foxley (2017), Appendix C: Research Findings.

respected media organisation report disclosures is a key factor in coping and helps to independently validate the disclosures and counter the concept of both self-induced (an 'I am not *mad*' mentality) and organisationally imposed ('He/she *must* be mad') mental instability.

> You lose your identity. The person you thought you were, (upstanding, committed, professional), has become somebody who has been cast in the gutter by people in power who have decided what my fate is to be ... the nastiness to finish you off is unbelievable. (Kim)

Most interviewees in the study experienced great detriment and a residual stigma that was keenly felt. Interestingly though, there was no sense of personal shame or guilt and certainly no expression of deviance (Lemert, 1969; Taylor, 1985), but there was counterfactual thinking as part of a post-stigmatisation internal analysis (Niedenthal et al., 1994). Nobody offered an immediate 'I'm proud of what I did' as their first offering. Most stated that they had no choice but to act to 'do the right thing', and responses were stated in a very humble way: there was no sense of bragging at all:

> Was it worth it? I would definitely do it again: it's the right thing to do. But I thought I'd be treated honourably – I wasn't. (Peter)

There was great emphasis on personal values and staying true to them especially where there was a perception of life-threatening situations (Alford, 2001). The effects of whistleblowing and ensuing stigma are most profound in the professional area where the great majority of whistleblower interviewees were (1) dismissed, (2) made redundant or (3) had their contracts terminated and were moved on very soon after their disclosures. There were only three examples where the whistleblower did not lose their job: (1) (UN) safeguarded by identity protection, (2) (NHS/Social care) suspended for 4 years on full pay while case was investigated and is now used as a reference source for cases of disclosure/whistleblower enquiries, and (3) (Police) resigned 13 years prior to disclosure. It is very clear that job loss is the major risk of making a disclosure with the consequent financial implications for loss of income and problems for future employment. Most whistleblowers found it almost impossible to find work in their own occupational sector and those that did could only find work at a much lower level or in a different field.

All whistleblowers experienced the undermining of professional relationships, including in the UN where close friendships were used to monitor her activities. Almost all whistleblowers appeared to have sustained grievous damage to their professional reputations which has significantly impacted on their future career and employment opportunities. It appeared that Festinger (1962) was right and

that the more an organisation felt it had riding on an issue, the more likely it was to re-frame the evidence, reframing the whistleblower as a traitor in order to make it morally permissible to punish them.

> Having support from a major respected media organisation is a key factor in coping: if they believe me then it must be OK – the I AM NOT MAD mentality. Group support from people who understand is very helpful and therapeutic. (Martin)

Half of the interviewees noted that whilst they were publicly recognised they were not generally acclaimed or formally recognised for what they had done or any benefit they had brought to the organisation. The whistleblowing experience appears to have sparked the dormant 'activist' in most of the interviewees, initiating a volunteer campaigning 'career' in ensuring better protection for others (patients, employees and whistleblowers).[6] This accords well with the finding of Glazer and Glazer (1989) suggesting that retaliation against whistleblowers ironically may have the opposite effect to which it was initially intended and serves only to intensify ethical resistors' commitment to press forward. It appears to transform an initial act of disclosure into a mission to prove to the world that they are right and that they have been unfairly treated. Furthermore, their strong sense of justice is reinforced by a need for personal vindication.

Discussion

The theme of whistleblower credibility, founded on the validity of the evidence and the validity of the disclosee, along with organisational defensive efforts to denigrate the individual, was recurrent throughout the study (Paul and Townsend, 1996). Whilst no formal blacklist was found in any occupational sector, all interviewees believed that they were/are blacklisted informally or unofficially and that they have sustained grievous damage to their professional reputations which has impacted on their current and future employment opportunities. Furthermore, all believed that they are viewed as a risk to the business, including new businesses they are applying to work at.

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6   The remainder were too damaged by the experience to commit themselves further to campaigning. Indeed, it might well exacerbate their current situations through 'revisiting' the experience and it is far more important that personal recovery takes priority.

Contested reputation and its effects

Individual interviewees believed that their reputations were much diminished and they were stigmatised within each organisation, but that their public reputations were much enhanced. Regardless of occupational sector, there were repeated organisational attempts to harm personal reputation, thereby stigmatising the individual, mainly through organisational questions about integrity, competence or mental stability and health in line with Moore's (2015) findings. This last factor was particularly noted as a pattern of behaviour within the NHS with a noticeable 'keying' *modus operandi* for initiating sick leave/suspension and a cause for terminating a contract (Goffman, 1975). The subsequent stigmatisation was key to their inability to secure further employment at an equivalent level within the organisation.

Whistleblowers were viewed by media interviewees as 'ordinary (normal) people in abnormal circumstances' and there was a clear sense of interviewees 'knowing' that they acted ethically and lawfully and had a clear conscience about what they had done. There was also a clear sense of injustice and anger at organisational keying attempts to re-frame them as 'the villains in the piece' and resentment at their efforts to stigmatise the individual. Most whistleblowers displayed a spirited, 'fighting' attitude, wholly ready to justify their actions, confront their opponents and battle back against those who would stigmatise them further. They displayed a high degree of personal integrity and appeared to be very values-driven people with a very strong sense of right and wrong. Moreover, all stated an inability and unwillingness to stand by and allow wrong-doing or abuse to continue. Opposing organisational stances were assessed as due to a difference in ethical values and priorities, but interviewees were quite firm in their personal ethical position and the righteousness of their action in speaking up whilst stating great disappointment at systems which did not appear to have changed as a result of their action. Interviewees displayed a modest pride in their own actions, but it was definitely not a bragging form of pride – more a sense of having passed a vital test well. Strong religious faith was mentioned as a formative factor in why people acted and how they managed to cope thereafter. It was noted that more research was required to document the effects of whistleblowing on the individual and that a firm base of evidence was still required in order to gain the necessary political support needed for any serious change. Such research could be enhanced by a complementary investigation into

a cost/benefit analysis of reputational damage incurred by organisations who do or do not respond to whistleblower disclosures properly.[7]

Organisational versus individual credibility

Personal and professional credibility emerged as the key aspect of protection, especially important in the reputational battle between the individual and the organisation/regime. Organisations were perceived as ruthless in their need to undermine the personal and professional integrity of the whistleblower through 'keying' accusations of incompetence or mental instability that re-framed the individual as, literally, incredible. Once the individual's credibility was questioned, the foundation of his/her disclosure was undermined and the evidence could be sidelined as irrelevant. The strain of blowing the whistle under intense social, professional, personal and economic pressures adds considerably to mental stress and inevitably assist the organisation/regime in this devious mechanism. Great personal resilience is required, along with training and practical advice, on how best to cope; provide effective documented evidence in a safe manner and use media support to rebalance otherwise overwhelming odds.

Societal and cultural changes

There was wide acknowledgement that social change in the UK has been successfully managed with examples cited as public attitudes to slavery, female emancipation, gender/disability/racial/sexual discrimination, seat belts, drinking and driving and most recently, paedophilia. Making whistleblowing work in real terms requires a shift in culture (Oakley and Myers, 2004). The cultural norms for business and disclosures of wrong-doing are changing but the detriments still remain as deterrents and need to be overcome and balanced by incentives to induce others to speak out in future. This will only occur if sufficient political and board level support can be gained to drive through measures that offer better protection and compensation for detriment incurred. The initiative to encourage members of the public to speak out against organised crime and domestic terrorism might well be the catalytic imperatives that initiate these vital changes.

'Normals', 'abnormals' and 'supranormals'

None of the whistleblowers regarded themselves as either traitors or heroes and inference of the former epithet was treated with emphatic indignation whilst the

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7   An Economic and Social Research Council (ESRC) project was initiated in the UK in mid-2017 to examine how whistleblowers survive post-disclosure both financially and personally and what can be done to assist them (ESRC, 2017). I contribute to the Research Advisory Panel for this research. Initial project findings can be found in Kenny and Fotaki (2018).

latter was met with a shy embarrassment. Many admitted that others viewed their actions as courageously heroic but almost every whistleblower regarded themselves as an 'ordinary' person committing an ordinary, ethical, action (in their mind). Indeed, two clear ideas emerged across all interviews: (1) that they were doing something quite natural (to themselves) and that (2) they were 'not mad', as often questioned by themselves during the disclosure process and as frequently inferred by their organisations. The predominant view was that whistleblowers are not quite Normal but definitely *not* 'abnormal', according to Goffman's definitions (Goffman, 1963). I propose that Goffman's rather binary definition of normality is in need of extension to include a grouping of 'supranormals' at the other end of the scale to 'abnormals' and furthermore, that it is into this grouping that whistleblowers fall. By stepping out of the 'local norm' to remind the organisation or regime of its agreed 'societal ethical norms', these people have not become abnormal, but *more* normal than the normal. Indeed, they remind the 'normals' of the norms and act as a conscience to the organisation or society from which they emerge. Whistleblower interviewees recognised that they were 'different' and there was a general acceptance of the new categorisation of *supranormal* as a third option once it was explained. None asked for special status – but all recognised, retrospectively, that what they had done was unusual and 'not the norm'. There was agreement that the 'whistleblowing paradox' needs more publicity to show people that it IS irrational: one should *not* be persecuted (stigmatised as 'abnormal') for reminding 'normal society' of instances where the agreed ethical norms are not being obeyed. Whistleblowers inadvertently act as examples to others to act properly and appear to suffer disproportionate accumulative detriments for so doing, not least of which is politically based stigmatisation for having 'stepped outside' of the local norm in order to speak up about a societal ethical norm. Re-framing whistleblowers as 'supranormals' changes the subliminal image from questionably benevolent to definitely benevolent and thus, in line with Becker's (1963) labelling theory, assists in the viewing of whistleblowers as agents for social and ethical improvement not political degradation.

Conclusion: Overcoming stigma through introducing the notion of 'supranormality'

Reducing stigma is about acceptance and re-incorporation into the majority (Schneier, 2012) and whistleblowers need to persuade society that they have not stepped outside it, into abnormality, but that they are, as is the conscience to the character, at the very core of its normality: in supranormality. The credibility of the individual is essential to the core argument and fundamental to the protection of reputation and position as core members of the 'normal' part of

society. Stigma is about branding in more senses than one: the human rights sector might well look to common marketing strategies to re-frame whistleblowers as human rights defenders in order to create a more receptive wider audience, incorporating mental images (guardian, protector, defender) that naturally induce positive attitudes and a re-connection with the 'normals' in society. If there is a discrimination in the 'supranormal' definition across the spectrum of normality, then it is a core set rather than an elevated hierarchical set and the wider public needs reminding that whistleblowers are the ethical conscience of society which, like the human conscience, is an eternal flame that cannot be extinguished or ignored. Perhaps the introduction and use of a term such as supranormality might help to change the public perception of the whistleblower from that of a stigmatised 'abnormal' person, into that of an exemplar of social behaviour to be admired and, if necessary, followed.

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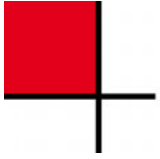
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To be a hero and traitor: A reflection on truth-telling and fear

Helena Liu

abstract

This note reflects on my personal experiences with 'truth-telling' as a critical scholar. Drawing on two moments early in my career, I recount how my writings challenging sexism and racism have been varyingly received. To explore the affective dimensions of truth-telling, I focus in particular on fear. I trace the way this force has destabilised me when I was rewarded and disciplined for my scholarship and how it lingers with me even now.

Preamble on fear

> When we speak we are afraid, our words will not be heard nor welcomed, but when we are silent we are still afraid. So it is better to speak, remembering we were never meant to survive. (Lorde, 1978: 31-32)

This is a note about a companion of mine. It is the sharp pain seizing in my chest, the strangling of my throat and the vertigo of being swept under waves of hopeless despair. It is when my stomach mangles in a knot so that I can no longer keep food down, when my breath comes in short rasps and my shuddering heart threatens to crumble. The oppressive shadow of it lies in wait for me until my eyes flit open at quarter past three in the morning and I find it there in the stillness of the dark, leaning across the side of my bed. In moments of lightness and laughter, I forget it for a blissful moment. Then its hands clench around my shoulders again and all the suffocating sensations of my thundering heart, twisting stomach, rasping lungs, desperate broken hopelessness rush back.

When I am most small, most alone, most fragile, it murmurs, 'You will fail'. 'You will lose everything'. 'You are worthless'.

Academic truth-telling

After graduating from my PhD, I accepted a two-year research fellowship at a research centre in Australia. The centre had only been established a few months when I applied for the role. An alumnus of the university had pledged $1 million to drive the centre's mission to restore ethics in leadership across both private and public sectors. It was emphasised that the central objective of my role at the centre was to build its research profile through publications. I joined a modest team with only the executive director and his assistant to welcome me and the promise of another research fellow to start two months later. Eager to convert my contract to something more long-term and cement my career as an academic, I anxiously applied myself to the instrumental publishing objective from my first week and was relieved when within my first few months at the centre, an article from my doctoral research was accepted. The piece spoke out against sexism in organisations and society.

When the director ran into me in the hallway after hearing the news, he clasped my hands so hard in his that it hurt. His voice shook with jubilance as he said, 'As a feminist, I am *so* happy that you're working here'. He passed the article onto the head of alumni relations who helped me to turn my arguments into a project proposal that his team began pitching to female philanthropists. My reputation as the 'gender researcher' glowed brighter at the university. Another senior leader recommended me for feature in a short documentary promoting my research. The vice chancellor called me personally to invite me to supervise the doctoral research of a female executive at one of the country's largest corporations.

In my second year at the centre, I added another article to a growing publications list. This piece spoke out against racism in organisations and society. When I reported the acceptance at the next staff meeting, the director physically recoiled at the mention of 'whiteness' in the article title when I said it aloud. The atmosphere between us remained tense for a few weeks until he exploded over a phone call. 'Maybe the centre doesn't want to be associated with your work anymore!', he shouted down the line before hanging up.

The director avoided direct communication with me after his outburst. I found out through his assistant that I was assigned to host events and write newsletters for the remainder of the year. In an email trail I was later accidentally copied

into, it was revealed that $66,000 of my research funds were redistributed to the other research fellow's project. When I queried why I had been taken off research duties, the director explained, 'You're publishing enough already'. As it became apparent that my contract would unlikely be renewed at the end of the year, I started applying for other roles.

The academy might seem like an odd place to be talking about truth-telling. Perhaps like me you took for granted that universities are bastions of academic freedom unencumbered by the intrusions of church or state and that we have the 'unimpeded freedom to teach, to study, and to research without any external control' (Davies, 2015: 988). The fundamental principles of our institutions appear to enable and empower us to speak truth to power. However, this parrhesiastic ideal appears to be far from the realities of academic work. The transformation of higher education under neoliberalism has seen knowledge production (along with education, engagement and administration) restructured towards marketisation, competition and managerial control (Busch, 2017). Concerned scholars have pointed to the steady erosion of academic freedom within the neoliberal academy (Hoepner, 2019; Nelson, 2010) with numerous and varied threats from technology (Davies, 2015), new media (Minerva, 2016), nationalism (Ganguly, 2017), foreign governments (Peterson, 2017), social mechanisms within and beyond academia (Gottfredson, 2010), and impact factors (Timothy, 2015).

The critical ethos of scholarship has been replaced with encroaching ideologies of 'excellence' measured through various assessment tools and ranking exercises (De Vita and Case, 2016). Even within the more 'radical' fields, such as my own of critical management studies (CMS), scholars have warned one another not to lose sight of our role 'as critic and conscience of society' (Bridgman and Stephens, 2008: 261). In CMS specifically, this requires that we cast a 'caustic eye' on management and speak out on the ways it exerts violence within and beyond the workplace (Pullen et al., 2017: 3). It means taking a stand against the prevailing systems of oppression in society – neoliberal capitalism, imperialism, white supremacy and heteropatriarchy – embracing the risks and costs of fearless speech (Fournier and Smith, 2012).

Following anti-racist feminist traditions with my work, I write about the innumerable ways patriarchy and white supremacy ravage our lives (Liu, forthcoming). Yet the prevailing belief in my culture is that sexism and racism are artefacts of a regrettable history that our generation has left behind. Although some concede that lingering inequality in the forms such as unintentional 'unconscious biases' may exist (cf. Noon, 2018; Tate and Page, 2018), many people equate sexism and racism to the behaviours and attitudes of deviant

individuals and do not accept that gender and racial dominance are normalised and institutionalised in everyday life (Acker, 2006; Bonilla-Silva, 2006; Essed, 1991; McRobbie, 2008; Tasker and Negra, 2007).

Those whose research cross the previously unseen boundaries can confront the precarity of academic freedom to write against the status quo (Hoepner, 2019). My experiences colliding against the invisible limits of academic freedom have shaped my self-constitution as an 'outsider' (Kenny et al., 2018). I embrace the subjectivity of the 'space invader' (Puwar, 2004) who holds no loyalty to the norms of the 'ivory tower'. I hold onto the belief that my writings are more than just a function of my job. I write to ease the pain I have endured and continue to endure as a woman of colour living and working in a patriarchal white supremacist settler-colony. I write to assert my humanity in a world that can often refuse to see me, my family and my friends as fully human. I write for my survival (Lorde, 1997). As an outsider to the white masculinist academy, I console myself that I can and I will withstand the costs of truth-telling, even though to write and speak against patriarchal white supremacy in these times can feel like a declaration of war (Ahmed, 2017; Yancy, 2018).

Fearing the truth

Popular discourses of truth-telling tend to focus on the figure of the whistleblower, who are often constructed as either '"heroes" standing up against a morally corrupt system or as "traitors" who threaten the moral integrity of this very same system' (Weiskopf and Tobias-Miersch, 2016: 1622). Their presence varyingly inspires awe and contempt, highlighting the intense affective landscape in which whistleblowers will often find themselves (Kenny, 2019; Kenny et al., 2018; Peters et al., 2011). The stories that tend to feature in our public imagination include familiar examples like former United States intelligence analyst, Chelsea Manning, who sent classified military information to WikiLeaks in 2010 that disclosed information about civilian deaths in the Iraq war and the war in Afghanistan. On a smaller scale in my own country of Australia, a royal commission was only recently conducted into the banking sector after whistleblowers such as former financial planner, Jeff Morris, released to the media evidence of his bank's compliance breaches. For their exercises in truth-telling, both Manning and Morris encountered significant political and organisational backlash for their actions. Manning was charged with 22 offenses including aiding the enemy and initially sentenced to 35 years in prison. She has spoken publicly about the trauma she endured during her pre-trial detention that left her on suicide watch in solitary confinement. Morris has also alluded in media interviews of how his decision to become a whistleblower attracted death

threats and eventually cost him his job, straining his marriage in the process (Barker, 2017). Truth-telling, as is apparent, can have terrifying consequences for those who choose to do it (Kenny, 2019; Lee and Kleiner, 2011; Weiskopf and Tobias-Miersch, 2016).

Alongside Manning and Morris, my own experiences of truth-telling over my short career as a critical management scholar pale in comparison. Yet the two different responses to my work I shared earlier were frightening and bewildering when they occurred. Early in my role as a research fellow, I feared the precarity of my career as a new graduate on a fixed term contract. I was baffled by the kindness that those in power extended me for what I thought was just the ordinary function of truth-telling as an academic. As I could not make sense of the purpose of the rewards bestowed on me, I feared that one day all their kindness would go away.

That fear was realised in the second year of my role. While my critiques of sexism were embraced by senior managers at my institution, my critiques of racism were regarded as having gone too far. The same man who effused his gratitude for my presence would less than a year later see me as a liability to the research centre. At first, I feared the material consequences of my truth-telling. I feared that I would lose my job and lose my income. I feared that my reputation would be tainted as a 'troublemaker', and I would then struggle to find employment elsewhere. Although I was not retrenched, my fear grew more intense and irrational as I stayed at the research centre. In the last few months before I resigned, my heart would race at the sound of the director's footsteps walking towards my office. I flew into a panic when I saw an email from him appear in my inbox or a call from him come through on my phone. I could no longer sleep through the night as I replayed the ways he mocked, denigrated and shouted at me, over and over. And on the days I did not meet him, the dread and despair would lift for just a moment in which I could exhale, before becoming overwhelmed by the fear of our inevitable next encounter. The fear wrecked through my body and left its mark (Westwood, 2003). A part of me continues to live in fear that I would be made a hero only to fall from my pedestal and be labelled a traitor again.

Now years on, I can also see with greater clarity the boundaries of my truth-telling. The mainstreaming of liberal feminist politics in Australia has enabled certain critiques of sexism to become socially acceptable (Liu, 2019). At my institution, my critiques of sexism had the potential to be commodified, sold to elite executive women in order to attract their philanthropic funding or enrolment in a research degree. My work was thus readily embraced as a branding opportunity where my truth-telling could enhance the university's

public image as young, bold and progressive. The commodifiability of 'feminism' in the corporate sector prompted my heroicisation as the whistleblower of sexism.

In contrast, Australia's cultural shame and wilful forgetting of our colonial history has meant that discussions of race and racism remained taboo (Hage, 1998; Moreton-Robinson, 2015). My writings on race became what Ahmed calls a 'sore point' (2017: 149). It refused commodification because no one (at the time) was willing to buy an indictment against racism for doing so would be to admit that racism exists in Australia. Since I left the institution, far-right movements have been mobilising a brutal backlash against what they see as an increasingly diverse world and scholars have begun to ask how the academy may respond (Bristow and Robinson, 2018; Johnson et al., 2018; Yancy, 2018). As with the case of feminism (Silva and Mendes, 2015), liberal co-optations of anti-racism have begun (Dar et al., 2018). A growing number of universities in the United Kingdom have signed up to the *Race Equality Charter* in a commitment to 'improving the representation, progression and success of minority ethnic staff and students in higher education'. Whereas my critiques of racism were in the past met with anger and contempt, in more recent years, my work has started to attract offers of funding to develop and implement 'diversity and inclusion' programmes for organisations.

Try as I might to intellectualise what happened, even now, I am still perplexed by how my writings could engender such extreme expressions of admiration in one moment and contempt in the next. My own emotions, therefore, comprise only a fraction of the affective landscape of truth-telling. In calling out the injustices of power regimes, critical scholarship will inevitably trigger anger, anxiety, shame, guilt, disgust, and indeed fear, among those who believe their power and privilege to be threatened. But to not speak, to remain silent in the face of gender and racial violence, would be worse. It would to be complicit in patriarchal white supremacist power, complicit in my own destruction. Lorde's words at the opening of this note lend me courage: fear may remain my constant companion, but it is better to continue speaking the truth.

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Wikileaks: Truth or power?

Meghan Van Portfliet

review of

Avila, R., Harrison, S., and Richter, A. (2017) Women, Whistleblowing, Wikileaks: A conversation. London: OR Books. (PB, pp. 127, £12, ISBN 978-1-682191-16-3; EB, £8, ISBN 978-1-682191-17-0)

Introduction

With the recent arrest of Julian Assange – on charges related to a computer hacking conspiracy, and not the charges of sexual assault and rape that fuelled the original Swedish international arrest warrant – the insights of *Women, whistleblowing, Wikileaks* are more relevant now than ever. In their conversation mediated by Wikileaks journalist Joseph Farrell, Renata Avila, Sarah Harrison and Angela Richter – all women with ties to Assange and his work – reflect on a wide range of pressing questions, such as: is the internet a means of diminishing inequality in the world, or just another tool for the powerful to control and dominate the poor and/or uneducated? Do we live in the digital age, where information on everything from history, to current world news and even diplomatic cables is available right at our fingertips? Or is information filtered by companies such as Google and Facebook, or by journalists working for large media outlets? Is giving up our data a fair price to pay for access to this knowledge? And is the information we are getting in return pure? By discussing how knowledge can be used for emancipation but also for domination they weave in and around the many issues that whistleblowers face in this new media age.

Rather than seeking answers, *Women, whistleblowing, Wikileaks* brings the expertise of three digital human rights activists from diverse cultures and areas of expertise – a Guatemalan human rights lawyer, a British journalist, and a Croatian-German theatre director – and explores the 'movement for online freedom of information, transparency, accountability, journalism and the protection of privacy' [97]. In conversation they discuss the nuances and complexities that surround how society consumes information, what limits are placed on access to information, and how personal data is one of the costs of consumption. A wide range of topics are critically discussed, with each woman providing their insights gained from experience and expertise in their respective field and background. For example, in Chapter 1, the authors discuss how the spread of information on the Internet sparked their political activity. The emergence of Wikileaks was a defining moment for Richter and Harrison, but Avila traces her inspiration back to the Zapatista movement in Chiapas, Mexico, when a group of armed peasants rose up against an oppressive regime and used the Internet to expose their situation to the world. In Chapter 2, the authors then reflect on the role of the media in spreading 'facts' or 'truth' and how Wikileaks changed this by providing uncensored information to everyone, allowing for 'localized interpretation' of information that would otherwise be inaccessible to many.

In Chapters 3 through 6, the discussion weaves around the idea of an 'online movement'. The authors reflect on how the Internet, by providing everyone with instant, equal access to knowledge is a great tool in combating some of the social inequalities that exist, but also how this tool, through tactics like privatization and mass surveillance, is also a weapon being used to limit access to knowledge. The role that journalists play in exposing or limiting access to information arises, with the example of Edward Snowden and Glen Greenwald being used: Snowden provided his information to journalists that then decided what was relevant, ultimately publishing small portions of the documents they were given. The authors contend that because the information was released through journalists, and not in bulk to the public, government agencies were able to step in and convince journalists that some information was 'too sensitive' to release. This leads to a discussion of concerns over how closely the government is working with big technology companies, and how powerful companies like Google and Facebook have become by providing access to user data. The women deliberate on not only how individuals do not have control over their own data, but that often the poor and/or marginalised groups lack full access to the internet and instead rely of free platforms – like Facebook Lite – and therefore lack access to unbiased information. The result is a prioritization of western news and culture, as this is the context that the private companies in control of access emerged in.

Chapter 7 returns to discussion of Edward Snowden – his status as traitor or hero, contrasting his journey and motives with that of Chelsea Manning, and in Chapter 8, Harrison reflects on the time she spent with Snowden in the airport in Moscow. Chapters 9-15 cover a later meeting between the authors, one year after their initial gathering, and the women review their ideas – particularly around mass surveillance – after a series of terrorist attacks rocked various cities in western Europe in 2015 and early 2016. They are critical of the weight that the discourse around national security has been given, and how governments and technology firms have become even more intertwined. They end their second discussion by reiterating that the change necessary to ensure transparency, accountability, and protection of privacy relies on action – and that inaction on the part of the people that are being exploited is the most dangerous course.

Women, whistleblowing, Wikileaks is not an academic text, but a transcription of a conversation, but the insights that are touched on in resonate with literature on organizations and whistleblowing. To situate the book in the extant whistleblowing and organizational literature and, specifically, this special issue, I consider it in context of the three themes that make up the title, working my way backwards from Wikileaks to Women.

Wikileaks

Of particular relevance to this special issue on speaking truth to power is the discussion of the many ways that information, let alone whistleblowing, is mediated – by the media and by organizations like Wikileaks – but also how information is suppressed – in the name of national security, or by algorithms embedded in Google and Facebook that filter what information is available to the layperson. The privatization of knowledge by these mega-tech companies has led to 'truth games' (Foucault, 2007) where knowledge lies in the hands of large powerful tech companies, and increasingly, governments that align with them under the guise of 'national security'. The control over knowledge by these organizations means that they are better able to assert their 'truth' and in doing so they limit the power of individuals and citizens to do this for themselves. Wikileaks, then, is an example of one way to resist this censorship of knowledges, as it provides un-censored access to information that would otherwise remain accessible only to the few.

While Wikileaks has been explored in the context of legal studies and media studies (e.g. Benkler, 2013; Brevini et al., 2013; Fuchs, 2011; Nolan and Hadley, 2011; Sangarasivam, 2013), the research on the implications such projects can have for organization studies is limited. Notable exceptions are Munro, who has

explored Wikileaks as a 'networked parrhesia' – a collective speaking truth to power – (2017) and as a tactic of resistance in power relations (2016); Logue and Clegg (2015), who have explored it in relation to politicized labelling in organizations, and Kaulingfreks and Kaulingfreks (2013) who have put it forward as an example of a way of organizing without hierarchy or management. In *Women, whistleblowing, Wikileaks* the conversation never quite gets around to how organizations can learn or benefit from the type of unrestricted access to knowledge that Wikileaks provides, they certainly provide a critique of such projects and how they can be co-opted by those in power under the guise of protecting the layperson. In this way, they point to empirical examples of how this new form of resistance is resisted by those that stand to lose out – those in positions of power – and how it, as well as the Internet in general, can be a tool in what Munro (2017) calls, with reference to Foucault, 'the politics of truth' – legitimating a narrative that is presented as neutral, but is in actuality still controlled by those in power. They also point, however, to the necessity of these projects, and the necessity of expanded access to knowledge in general, pointing out that 'localization' of knowledge is as beneficial to the larger society as it is to the individual, helping those affected to make informed decisions and understand what certain information means *for them*, and this sentiment is easily translated to organizational life.

Whistleblowing

The authors' conversation also touches on several important points of debate in the whistleblowing literature as well. Richter comments in her foreword that 'it now only takes one person to stand up to their power. If just one person reveals a few truths that are obvious to everybody who wants to see and hear them, the scheming is over' [4]. This echoes the recent academic work that has likened speaking up to Foucault's (2010) concept of parrhesia – where the whistleblower risks it all in order to speak the truth (e.g. Kenny, 2018; Mansbach, 2011; Vandekerckhove and Langenberg, 2012; Weiskopf and Tobias-Mirsch, 2016). In their discussion of Snowden, the ambivalence of attitudes towards whistleblowers is discussed briefly, with Harrison asking, 'Is Snowden a "traitor" or a "hero"' [69]. While all three women support Snowden and his disclosures, they note that the public is not always as accepting.

An idea that is not well covered in the whistleblowing literature is found in the discussion of the media's role in whistleblowing disclosures. In particular, the authors highlight how Snowden's disclosure was mediated by Glenn Greenwald, and how Greenwald, due to pressure from the United States Government, held some key information back. Most studies on whistleblowing present the media as

a neutral recipient of disclosures – a channel of releasing whatever information the whistleblower wants to make public – with little discussion of the potential that journalists have to dominate both whistleblowers and the public in that they are both able to choose which stories to publish and which to suppress, and they are in control of the narrative. This view of journalists as on the side of domination, rather than on the side of resistance illustrates how not only whistleblowers, but also journalists as recipients of disclosures are political actors, susceptible to influence and power structures in the wider society.

Women

Despite the title, and the absence of a gendered aspect in whistleblowing research more generally, *Women, whistleblowing, Wikileaks* mentions very little about gender. This is surprising, given that in the foreword, it is stated that the purpose of the book is to bring women together to discuss 'an area of activity that is widely perceived as heavily male dominated: whistleblowing and digital dissidence' [2]. Later in the same section Richter reflects that:

> It's been striking to me that, in my years of working on digital activism, from Wikileaks to a diverse range of internet groups, women are active and hold important positions, yet are seldom prominent. ... It stems, in part, from the unwillingness of mainstream media to appreciate and fairly report the role of women in digital activism. [3]

In other words, women are active in the world of whistleblowing and digital dissent, but they are hidden from view, according to Richter, by the media. Avila echoes this view at the end of the chapter when she comments: 'I think women in the world of digital dissidence play key roles as leaders and dissenters, but that sometimes [they are] less visible as compared with men' [64]. For Avila, this hidden work of women is not always a bad thing though, as she reflects: 'In one way, ironically, it's kind of fortunate that their role is downplayed within their own community and dismissed by their governments, because that actually gives them greater room to act' [64].

These are striking points, which unfortunately are not elaborated on further – these two excerpts are the only references to the topic in the book. This is unfortunate as these points are ones that are missing from studies in this area more generally. Whistleblowing research that explores the experiences of those that speak up tend to present a gender-neutral figure. Indeed, even research that explores the role of the recipient of whistleblowing disclosures tends to overlook the gender dimension. The result is that women have been effectively written out of whistleblowing research, and while neither Avila, Harrison or Richter are

whistleblowers outright, their close ties to Assange and Snowden, as well as their in-depth familiarity with the journey of Manning provides ample opportunity to discuss this aspect in detail. The conversation they have focuses mainly on 'marginalised groups' more generally, with ethnic minorities getting most of the attention in this space.

Conclusion

This book, overall, articulates key issues that are facing organizations and whistleblowers today – how access to knowledge (or lack thereof) influences which truth gets told, making both organizations and those that speak up about wrongdoing political actors and susceptible to influence by powerful others. From Zapatistas to Edward Snowden, disclosures are not just made, they are mediated – by the media, by technology, and by truth games that play out in everyday life. The conversation that the authors have touches on areas where whistleblowing research would benefit from further exploration: journalists and their impact on whistleblowing narratives, the impact of gender on whistleblowing journeys, and how full access to information is key to ensuring that all individuals are able to have self-determination. In short – *Women, whistleblowing, Wikileaks,* urges us to stop and think about our everyday practices, and what we can do to ensure future generations are better able to speak truth to power. It is a book that anyone interested in power, media or whistleblowing will find relevant and insightful.
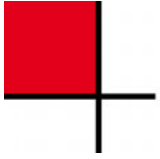
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Cruel fairy tales

Rasmus Johnsen

review of

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Introduction

Imagine this: A laboratory technician working on an oilrig contacts the national *Environmental Protection Agency* (EPA), claiming that the oil company she works for is encouraging her colleagues and herself to manipulate with measurements of oil seeping into the sea around the rigs. Before that, she has done everything in her power to make her bosses within the organization listen, but with no luck. What happens? The EPA passes her full name on to the oil company, warning them that a bad press story may be under way. She is transferred away from her colleagues she has worked with for 12 years. On the new rig, she is given less challenging tasks and is denied a raise and a bonus, because as she is told, she has failed to 'live up to the company's values'. Shortly thereafter, she quits her job. She cannot find a similar job in the trade. She suffers from stress, goes on sick leave, and isolates herself. Publicly, she's known as a whistleblower. Personally, she just feels like a failure.

Sounds like a fairy tale? Kate Kenny, in her recent book *Whistleblowing: Toward a new theory* (2019), would think so. As cruel as fairy tales may be (in Grimm's version of *Cinderella*, for example, the stepsisters show up at Cinderella's wedding, only to have two birds come and pluck their eyes out. The End.), they mostly end well for the protagonists. Not Kenny's whistleblowing fairy tales. In

fact, they read more like personal tragedies or horror stories. In spite of the heroic image that the public often has of them, whistleblowers tend to be ostracized, bullied, persecuted and publicly smeared. They tend to lose not only their jobs, but a steady income and sometimes their families. They suffer from the repercussions; stress, depression and anxiety disorders are more the rule than the exception. What is more, even if they appear to have higher moral standards than the people around them, they seldomly *choose* to become whistleblowers. The subject position is just the last thing left for them to occupy. With the many illustrative stories that she analyzes, mainly with the global financial industry as the empirical focus, Kenny's book is for those of us who did not know – or do not want to know, because ignorance is often so much easier. And it is for them, whose suffering cannot find a place to be uttered, neither in the organizational, nor in the public discourse.

Drawing on the work of Judith Butler and Michel Foucault, the book offers an original conceptual framework seeking to understand whistleblowing, not as an individual act of truth-telling, but as a collective process within organizations and in public discourse. It serves as a corrective to the common misunderstanding of the whistleblower as an individual hero or heroine, whose actions are simple revelations of higher moral truths, recognizable by everyone, focusing instead on the fact that many whistleblowers are simply ignored, never taken seriously and even punished for their deeds, while the guilty go unpunished. In this manner, it turns away from whistleblowing as the simple revelation of matters of fact, and towards the affective, political and power-oriented struggles within what Bruno Latour (2004) has called 'matters of concern' – gatherings of stakeholders around truths that have cracked open and have become unsettled. A major contribution of the book – and indeed of Kenny's 'new theory of whistleblowing' – is that it moves beyond the analysis of the organizational dynamics of whistleblowing and towards a more encompassing view of the complicity that other spheres of society have in creating what we think of as 'the whistleblower'. It breathes life into this title as a subject position by problematizing it as a badge of honor, showing instead the collective struggles which brings it into existence.

Illegible speech

Nietzsche's parable 'The madman' from *The gay science* (1887/2001) may very well be the first great text about whistleblowing, even if his is of the more cosmic kind, and in light of Kenny's book it remains an important one. Here we are told about a madman, who 'in the bright morning lit a lantern and ran around the marketplace crying incessantly, "I'm looking for God, I'm looking for God!"' (Nietzsche, 1887/2001: 119). The people standing around react with laughter and

nervous sarcasm, like most of us would if we were surprised on our quotidian rides to work by some poor soul who starts speaking loudly to himself (or even worse, to us). They *know* already. God is dead. So it goes. But this reaction only serves to confirm his insanity. Now he jumps in among them with piercing eyes and literally starts screaming murder.

Nietzsche's text is not about revelation; or if it is about revelation it is, as Susana Draper (2012: 142) puts it, about 'the disclosure of what was hidden but not unknown ... not something new but something that should have stayed removed ... in order for life ... to continue in peace'. In other words, the insanity of Nietzsche's madman should not be attributed to his revelation of some secret, which has been kept from everyone. With his lit lamp in broad daylight, he is conveying something that people already know. He is not revealing a new truth. Far more, what makes his speech appear psychotic to his audience is that it disturbs and unsettles the harmless nature of what they think of as true, of what they think they know there. When finally, he realizes that he is not getting the reaction he had hoped for, he throws down his lamp in dismay. 'I come too early', he says, 'my time is not yet' (Nietzsche, 1887/2001: 119). A whistleblower is not something that one is; it is not even something that one chooses to be. Rather, as Nietzsche is probably the first to point out, it is something that one *becomes* when the time is right. Until then, there is just psychotic speech.

One focus of Kenny's theory is the collective process this involves, and the many internal tensions complicit in it, implicating a number of stakeholders, from colleagues in the organization, over the press and the public, to the legal system. The time of the whistleblower is rarely the same for all of them. The conflicts this elicits emerge around the classification of whistleblowers' statements as what she terms *impossible speech* and the manner in which such classification is used to justify retaliation and violence against them [104]. Olivia Greene was a senior officer at one of Ireland's largest lending institutions, *Irish Nationwide Building Society* (INBS), who disclosed corruption at her organization. After witnessing against her boss, the charismatic and powerful Michael Fingleton, who had grown the building society from a tiny organization, she became known in the public as the INBS whistleblower. Following the trial (she remained at the bank for six months before finally quitting), she was bullied, as Kenny puts it, in 'ways more suited to a children's playground than a professional workplace setting including physical aggression' [106]. The bullying ranged from outright petty acts, like having a door literally slammed in the face, or having all her document swept of her desk in front of everybody, to more serious accusations of poor work practice and being practically demoted:

> I was watched, stripped of everything, stripped of a job, stripped of any power. ... I couldn't sign things off anymore. I couldn't agree [approve] a loan, couldn't decline a loan; I couldn't give a party release. ... I could do absolutely nothing. And that's what they wanted me doing. I had to turn up and be watched and scrutinized. [108]

How could it come to this? The extant whistleblowing literature has some degree of explanation. Retaliation occurs because the whistleblower poses a threat to the normative system in place in the organization. The more the wrongdoing is related to normal, everyday practices, the more aggressive the punishment tends to be. However, Kenny argues, this does not account for the disproportionate and extreme nature of the response. In Olivia Greene's case, the violence called forth is more than can be represented by retaliation as a rational, strategic response. Much more, it appears to be motivated by a more deeply seated and largely irrational need to defend the organizational structures that her calling them out appear to threaten.

Drawing on the work of Erving Goffman and Judith Butler, Kenny's suggestion is that the violent response to the actions of the whistleblower should be interpreted as a reaction to the impossibility of her statements within the strong norms of the organization. The real power of censorship comes through the manner in which it regulates recognition, granting or denying subjecthood. In other words, it lies in the boundaries that it creates in which some kinds of speech are considered valid and others are ignored. In this light, coherent subjects emerge as a result of acceptable utterances, whereas those who do not fulfill the criteria are excluded from viability. Like those of Nietzsche's madman, Olivia Greene's statements are considered 'impossible' in terms of the normative framework within which they appear. They are instances of 'quasi psychotic speech' [115], which are destined to remain unheard and demeaned. Likewise, those engaging in such impossible speech are not even to be considered subjects, but remain subhuman. Viewed in this manner, the whistleblower is no longer simply a transgressive employee, who needs to be shown her place, she is, as Kenny puts it, 'a fully impossible being' [113].

Affective recognition

In his novel *The city and the city* (2009), China Miéville takes this logic to the extreme (Otto et al., 2019). The main protagonist detective Borlú is a police man in the city of Besźel, but his institutional role – his whole existence, in fact – is also curiously related to and premised by the city of Ul Qoma. The two cities co-exist in physical space, but are two distinct entities with carefully policed borders. Consequently, the citizens of the two cities constantly have to 'unsee', 'unnotice',

'unhear' and physically avoid bumping into people or things from the other city. The social and political arrangement of the two cities is thus conditioned by the manner in which their citizens deny the fact that people with different values and normative standards occupy the same topographical space, and are intrinsically and intimately linked with each other. Miéville's literary experiment explores the social aspects of normative systems, revealing how they ultimately constitute organizational processes and illustrating the minutiae, the affective and embodied ways in which people deal with and perform the co-existence of two or multiple realities by – in the words of Miéville – 'unseeing' its contradictions. Like in the case above, the citizens of the 'other' city are fully impossible beings, who nonetheless have impact on how the co-existence of the two organizational realities is collectively constituted.

One of the central arguments in Kenny's theory of whistleblowing – and one that makes the book an important and valuable contribution to the field – is that the whistleblower is more than herself; that she functions as an affective and ek-static subject constituted in and through elements that are commonly thought to be outside the self, including social norms. For good and for bad, she is constituted by what Kenny, drawing on Butler, terms 'affective recognition' [32]. Based on the idea that the desire for recognition, which is psychically invested, largely takes place unconsciously and precognitively, the term represents an account of the subject position of 'the whistleblower' as not separate, nor autonomous from others, but instead radically social and crisscrossed with desires for subjection to powerful discourses. As Kenny states, the notion of affective recognition as an analytic category, allows us to 'retain a focus on what is happening at the wider level of social structures and institutions while we also examine what is taking place at the micro level of day-to-day life' [54]. This adds a perspective to whistleblowing research that considers human beings as desiring, including the contradictions and complexities, with which they are embedded in the social structures that (co)constitute them. The lack of affective recognition by others can lead to exclusion and rejection, while it can grant self-affirming legitimacy in the symbolic order, when it is given.

Martin Woods was a whistleblower, who at his bank Wachovia, found himself in the middle of the flows of cash that feed the existence of drug cartels. When he started asking questions about the dodgy transfer of billions of dollars into the Miami branch of the bank, he found himself in real trouble. In reality he was only doing the job to which he was hired; but he found himself accused of leaving the bank open to potential regulatory jeopardy and suffered many of the same retaliation strategies that other whistleblowers experience, including investigations that targeted him instead of the wrongdoing and being chided for minor infringements. Ultimately, like many others, he also suffered the mental

consequences of the stress and pressure he was under. Yet, as Kenny illustrates, he found networks to lean on that could recognize his actions for what they were, outside of his isolated position in Wachovia bank. Being a former police officer, he found former colleagues who supported him, extending their comradeship and friendship even in little ways that made a difference: encouraging emails, phone calls, a pad on the back. Someone even sent him a silver whistle in the post. He also found a group of whistleblowers outside the organization that he felt privileged to be a part of. In the whistleblower literature the nature of such attachments is rarely discussed.

To Kenny, this suggests that the empirical research on whistleblowing ought to be more sensitive to the display of affects and emotions, because such displays and the relationships they emerge in can help us shed light on the variety of attachments people who speak up develop to survive [193]. The strength of her book is exactly this sensitivity. It helps us to go beyond the black-and-white positions of the whistleblower as either extensively good or bad and towards a more nuanced understanding of these people as human beings. It may just be what is needed to escape the cruelty of fairy tales.

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