Ethical Tension Points in Whistleblowing

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ABSTRACT. This paper analyzes the number of procedural and substantive tension points with which a conscientious whistleblower struggles. Included in the former are such questions as: (1) Am I properly depicting the seriousness of the problem? (2) Have I secured the information properly, analyzed it appropriately, and presented it fairly? (3) Are my motives appropriate? (4) Have I tried fully enough to have the problem corrected within the organization? (5) Should I blow the whistle while still a member of the organization or after having left it? (6) Should I keep anonymity? (7) How ethical is it to assume the role of a judge? (8) How ethical is it to set in motion an act which will likely be very costly to many people? Substantive tension points include such questions as: (1) How fully am I living up to my moral obligations to my organization and my colleagues? (2) Am I appropriately upholding the ethical standards of my profession? (3) How adversely will my action affect my family and other primary groups? (4) Am I being true to myself? (5) How will my action affect the health of such basic values as freedom of expression, independent judgment, courage, fairness, cooperativeness, and loyalty?

The phenomenon of whistleblowing occurs all around us. The mass media make us aware of many episodes, and we experience others in our personal circles. A member of a manufacturing firm tells the public that his company is illegally selling military equipment abroad to a hostile country, a member of a Senator's staff publicizes wrong doings of her employer, a student tells the community newspaper that cheating on examinations is common and overlooked at his school, or an accountant publicly accuses his superiors of seriously mismanaging funds. Obviously, the contexts for whistleblowing are endless.

Whistleblowing has been steadily increasing since the 1960s, along with a gradually increasing public support. Though an increasing number of individual cases have been the subject of a considerable number of articles and books, the phenomenon has not been studied very thoroughly from a communication perspective. In this paper we are interested in whistleblowing as a communicative act in all human contexts, not just in business, industry or government, which has usually been the case of most of the literature on the subject. Our objective is to secure a deeper insight into the ethical tension points which are generated in the rhetorical act of whistleblowing.

Whistleblowing can be defined as a communicative act which is (1) intentional, (2) responsive, (3) accusatory, (4) public, (5) support seeking, (6) via various media, (7) refutational, and (8) straining a contractual agreement. A whistleblower can be defined as (1) a single person, (2) subordinate to the accused, (3) well informed, (4) an insider, (5) greatly agitated, (6) highly motivated, (7) participant turned judge, and (8) perceived to be a traitor/hero.

These rhetorical characteristics of whistleblowing and of the whistleblower raise a number of specific ethical concerns, illuminating a number of ethical tension points (ETPs). The accumulation of these ETPs builds to a complex and agonizing ethical struggle for the potential whistleblower and for society in general. We will define ethics as the human concern for the degree of rightness involved in making intentional and voluntary choices in conduct touching on such moral values as justice,
goodness, and truthfulness, and which carries the potential for significantly affecting other people. The term 'degree' is important, for it is closer to reality than to assume that actions are totally 'ethical' or 'unethical', and it permits us to place our judgment on a continuum. Asking whether some act is 'ethical' or 'unethical' elicits a 'yes' or 'no' response, and the ensuing discussion is immediately cast in a two-valued framework. On the other hand, the question “How ethical is it?” elicits a statement of degree of ethical quality (EQ), which, for example, could be placed on a seven point scale: highly ethical (7), moderately ethical (6), slightly ethical (5), neutral (4), slightly unethical (3), moderately unethical (2), or highly unethical (1).

In making our ethical judgments we are guided by a variety of standards, no doubt acting together in some indistinguishable togetherness, but with one or more probably having a premier role in given instances. Johannesen has summarized and discussed a number of such perspectives very well. He suggests that we may be using the political values of our nation, religious admonitions, legal regulations, the utilitarian perspective (greatest good for the greatest number), some situational guidelines, emphases furthering innate human characteristics (e.g., ability to reason, symbol-using ability, making value judgments), or showing concern for the dialogical dimension (recognizing other participants as persons to be respected, not things to be manipulated).

In exploring the ethical tension points in whistleblowing, we will divide them into (1) procedural and (2) substantive. Obviously some other categorization scheme could be developed.

A number of ETPs may be looked upon as basically procedural. First, how serious is the problem? Is the whistleblower merely an irritating problem-monger, exaggerating the current and potential importance and danger of the situation? Does that person simply have a low tolerance level for shortcomings, prematurely claiming serious problems, much like parents who react too quickly and strongly to some minor misbehavior of their children? Is the problem only temporary? Are predictions of dire consequences exaggerated?

Second, how carefully has the whistleblower handled the information? Have the facts been carefully checked and re-checked for accuracy, completeness, and relevance? Is there enough data to warrant the charges? Is the information really relevant to the claims? Can the information be documented? Is the data recent or out-dated? Is the case being presented as clearly as possible, with a minimum of ambiguity and innuendo? Have the values that are supposedly endangered been clearly identified? Does the whistleblower see the whole picture? Has the whistleblower let bias color the selection and treatment of the data? How proper were the procedures in securing the information in the first place, that is, how ethical is it to remove and photograph files?

Third, have one's motives been carefully explored and aired to one's satisfaction? How powerful is the personal desire for notoriety operating? Is one engaging merely in a personal vendetta, desiring to "get even" with some supervisor or group? Is one's secret agenda being kept from the public? Is the whistleblower too rigidly or surreptitiously applying standards of a religious or other allegiance? Does one really have the concern for others uppermost?

Fourth, has the whistleblower endeavored fully enough to have the situation corrected internally through regularly established channels? Has the whistleblower gone to the immediate supervisor and to other appropriate personnel up the ladder? Has there been an adequate attempt to reason with the wrong-doer(s)? Has the wrong-doer(s) been given enough time to improve the situation? Has the whistleblower demonstrated a positive, non-threatening attitude, that is, a genuine desire to correct the problem from within, thus demonstrating one's basic loyalty to the group? In short, has the whistleblower sought to keep the problem "in the family" as long as possible?

Fifth, when should whistleblowing occur? Should it be engaged in on company time or only during off-hours? What is the ethical quality of whistleblowing while still an employee versus when one no longer is, that is, having resigned, been fired, or retired? Literature on whistleblowing usually labels whistleblowing while still on the job as 'pure', that is, the person is not leveling charges from a safe distance, but while still within the organization. If whistleblowing is done after leaving, it is termed 'alumnus', and carries a connotation of being less 'pure', that is, less credible because the whistleblower is making accusations from the safety of distance, presumably not brave enough to face the full