

Dissenting Discourse: Exploring Alternatives to the Whistleblowing/Silence Dichotomy

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Abstract In recent times, whistleblowing has become one of the most popularly debated issues of business ethics. Popular discussion has coincided with the institutionalisation of whistleblowing via legal and administrative practices, supported by the emergence of academic research in the field. However, the public practice and knowledge that has subsequently developed appears to construct a dichotomy of *whistleblowing/silence*; that is, an employee elects either to ‘blow the whistle’ on organisational wrongdoing, or remain silent. We argue that this public transcript of whistleblowing/silence overshadows the importance of continuing research into alternative (individual or collective) employee behaviour. Drawing on original research with a financial services organisation, our research uncovers a *dissenting discourse* that operates through implicit communication, such as codes, sarcasm and jokes. We suggest that this hidden transcript offers significant opportunities for employees to act ethically, and offers the potential to sustain an ethical organisational culture.

Keywords Whistleblowing · Dissent · Ethical identity · Discourse · Foucault

Introduction

Although a relatively modern concept, whistleblowing has emerged as one of the most recognisable and debated acts of

ethical behaviour in the workplace. According to Vandekerckhove (2006), nearly all the literature on whistleblowing in an organisational context can be traced to a conference and resulting publication from 1972. In that publication, Nader et al. (1972, p. vii) defined whistleblowing as

An act of a man or woman who, believing that the public interest overrides the interest of the organisation he [sic] serves, blows the whistle that the organisation is involved in corrupt, illegal, fraudulent or harmful activity.

Just 30 years later, *Time* magazine declared the ‘Year of the Whistleblower’ (2002). Other popular media, such as the films *Silkwood*, *Erin Brockovich* and *The Insider* have firmly cemented whistleblowing in the public consciousness. This populist portrayal of whistleblowing has coincided with proliferation of legislative and administrative policies designed to formally regulate and facilitate whistleblowing.

The ‘institutionalisation’ of whistleblowing (Vandekerckhove and Commers 2004) has been accompanied by varied academic research. Qualitative and quantitative methods have been employed to (among other things) measure the antecedents of whistleblowing, describe the consequences of choosing to blow the whistle, compare different institutional approaches to whistleblowing, and debate the very conceptual definition of whistleblowing. Indeed, Mesmer-Magnus and Viswesvaran’s (2005) meta-analysis identified 21 different articles on the subject of whistleblowing. In this article, we explore possible consequences of popular representations of whistleblowing. By ‘popular’, we broadly refer to legal regimes, administrative policies, research agendas and media representations. We conclude by suggesting possible implications for organisations, and further avenues for research.

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Uncovering the Whistleblowing/Silence Dichotomy

Our review of the whistleblowing literature reveals a tendency to construct a dichotomous choice between whistleblowing and silence. Faced with an incident of organisational wrongdoing, an employee elects either to ‘blow the whistle’, or remain silent. This choice between absolutes can be described as *whistleblowing/silence*. The dichotomy of whistleblowing/silence is illustrated in Miceli and Near’s (1992) four-stage model of the whistleblowing decision process. In this model, Miceli and Near outline a four-stage process that leads to individual whistleblowing. Stage 1 involves the individual recognising the wrongdoing. Affirmation at this stage leads to Stage 2, where the individual makes an assessment of whether the wrongdoing observed deserves action. At Stage 3, the individual must decide whether they are responsible to take action. If the answer is affirmative, then Miceli and Near suggest that the individual must determine whether the action requires ‘whistleblowing’ or alternative behaviour. At Stage 4, Miceli and Near (1992, p. 60) note that whistleblowing is only *one* political behaviour potentially open to an individual among a number of alternatives, such as sabotage. However, the model does not incorporate these alternatives as a viable means of preventing wrongdoing. It is unfortunate that these are instead described as ‘silence’, while ostensibly incorporating a whole spectrum of behaviours.

The result is that Miceli and Near pose the choice for the individual as *either* to whistleblow (publicly) or remain silent. Notably, the authors do not explore alternatives other than this public-level option of whistleblowing or retreating into the private sphere of silence. By posing the options using this dichotomy, Miceli and Near (1992) do not acknowledge a spectrum of behaviours that individuals may undertake, which do not require public-level disclosure, but might nonetheless be effective in preventing and ending wrongdoing by others.

The problem of whistleblowing/silence, portrayed as this kind of dichotomy, is compounded by a research emphasis on whistleblowing ‘intention’ (for example, using hypothetical scenarios to determine whether participants would blow the whistle given a set of circumstances), and whistleblowing ‘action’ (for example, conducting interviews with actual whistleblowers). This emphasis is evident in research assessing the ‘antecedents of whistleblowing’, which have, to date, been identified and measured at the level of the individual, the situation and the organisation (Greenberger et al. 1987; Sims and Keenan 1998). For example, at an individual level, whistleblowing is argued to be associated with an individual’s ‘positive engagement’ with an organisation (Miceli and Near 1988) and degree of education (Miceli and Near 1984).

Problematically, this existing research over-emphasises a formulaic ‘logic’ of whistleblowing and underplays the stress and risk involved (McLain and Keenan 1999), thereby constructing whistleblowing as a kind of rationally planned behaviour—by which an individual either whistleblows, or remains silent. In part, this is due to methodology deployed in research wherein substantial reliance is placed upon quantitative research methods, most notably a survey methodology (Near and Miceli 1996). Surveys are attractive because they provide a highly effective means of social description, more efficient data gathering than many qualitative techniques, as well as the possibility of asserting generalisability (Singleton et al. 1993). However, surveys are highly standardised, in that the instruments for collecting data ‘reflect researcher-imposed constructs’ (Punch 1998, p. 61). This has led some researchers to recently urge that further research on ‘individual and organisational attitudes towards whistleblowing [be conducted] ... through in-depth interviews’ (Vandekerckhove 2006, p. 315).

Apart from academic research, the whistleblowing/silence dichotomy is also evident in both legal and administrative constructions of whistleblowing. A significant number of countries have passed or attempted to pass legislation designed to protect whistleblowers including Australia, the United States of America, New Zealand, the United Kingdom, South Africa, Japan, the Netherlands, Ireland, Canada, India, Germany, Switzerland and Belgium (Vandekerckhove 2006). It is in regional legislative differences that the whistleblowing/silence dichotomy is the most evident.

In Australia,¹ for example, Part 9.4AAA of the *Corporations Act 2001* (Cth) provides civil and criminal protection for an employee, officer or contractor of a company to make a ‘good faith’ internal disclosure to specified entities, such as the company auditor or a person authorised by the company to receive whistleblower internal disclosures. Sanctions are also provided for those who retaliate against whistleblowers. Apart from this federal legislation, the majority of statutes in the Australian States place primacy on public sector, rather than private sector whistleblowing. As such, only whistleblowing relating to the public sector is presented as serving the ‘public interest’, and thereby constructed as deserving of protection (Callahan et al. 2004; De Maria 1995). For example, the *Public Interest Disclosure Act 2003* (WA) effectively excludes private sector organisations. Under the definitions in section 3 of this legislation, protection applies only to reports made regarding public functions, public authorities, public officers or public sector contractors. In New South Wales, the

¹ We focus here upon the legislation in Australia, based on our research focus on an Australian financial services organisation.

scope of coverage is even narrower, with protected internal disclosures being ‘unequivocally restricted’ to public officials (De Maria and Jan 1997, p. 274). Private sector employees of these States must instead seek protection under the *Corporations Act 2001* (Cth).

In contrast, public sector whistleblowers in the USA are protected under federal law by the *Whistleblower Protection Act of 1989* (Pub. L. 101-12, 103 Stat. 16), while the *Sarbanes-Oxley Act of 2002* (Pub. L. 107-204, 116 Stat. 745) covers employees of listed companies and securities firms (Vaughn 2005). Individuals may alternatively be protected by State laws, approximately half of which cover both public and private sectors (Callahan et al. 2004). Further, 1986 Amendments (Pub. L. 99-562, 100 Stat. 3153) to the *Federal False Claims Act of 1863* allow whistleblowers to file civil suits called *qui tams* on behalf of the government against those who fraudulently obtain government funds, and to share in the recovered monies (Scott 2007).

Similarly, the scope of legislation adopted by the UK (the *Employment Rights Act 1996* (c. 18) as amended by the *Public Interest Disclosure Act 1998* (c. 23)) focuses on the nature of the information (whether internal disclosure of the information is in the public interest) rather than the employment circumstances of the whistleblower (Callahan et al. 2004; Mizutani 2007). Given the significant fallout resulting from the collapse of major corporations, such as Enron and WorldCom in the USA, it is not surprising that these legislatures have chosen to recently recognise that ‘legitimate’ whistleblowing in the ‘public interest’ need not only relate to public sector wrongdoing.

As with whistleblower protection legislation, internal disclosure policies construct whistleblowing for an administrative purpose—to recognise and thereby legitimise certain behaviours, while refusing to recognise other behaviours as ‘legitimate’ whistleblowing. The definition of internal disclosure policy provided by Barnett et al. (1993) indicates the means by which this occurs. Internal disclosure policies usually identify (Barnett et al. 1993, pp. 128–129):

1. [The] employees’ responsibility to disclose their knowledge of wrongdoing to parties within the organization;
2. [A]ppropriate communication channels through which employees can make such internal disclosures;
3. [F]ormal investigative procedures; and
4. [G]uarantees of protection for employees who, in good faith, disclose suspected wrongdoing.

In addition, Boatright (2007) suggests that internal disclosure policies provide for specially trained personnel to investigate internal disclosures. The implication, although rarely stated, is that employees should comply with these policies or remain silent.

Numerous public and private sector organisations have implemented internal disclosure policies. Near and Dworkin’s survey of Fortune 1000 companies in the USA reported that only one third of respondents in 1998 had implemented formal procedures for reporting by whistleblowers (Near and Dworkin 1998). However, by 2004, an analysis of public internal disclosures to the American Securities and Exchange Commission, from a sample of 50 companies, found that 66% of these companies had established internal whistleblowing procedures (Holder-Webb et al. 2008). Similarly, a 2005 survey of 56 leading companies in the FTSE Eurotop-100 reported that slightly less than 90% of these companies had implemented an explicit program for the protection of whistleblowers (Hassink et al. 2007).

In sum, it appears that academic, legal and administrative conceptualisations of whistleblowing tend to construct a whistleblowing/silence dichotomy. However, silence does not always equate to inertia: whistleblowing is one of many ‘pro-social behaviours’ that may prevent and rectify organisational wrongdoing (Miceli et al. 1991). Our research provides a theoretical exploration of this dichotomy, and the foundation for further empirical research.

Defining ‘Whistleblowing’ and ‘Wrongdoing’: Theorising *Whistleblowing/Silence* as Discourse

Following Miceli and Near (1992, p. 15), a common definition of whistleblowing is ‘the disclosure by organization members (former or current) of illegal, immoral or illegitimate practices under the control of their employers, to persons or organizations that may be able to effect action’. As discussed above, the authors’ four-stage model of the whistleblowing decision process reflects the very dichotomy that we argue is problematic. This problem would be compounded if, by definition, whistleblowing were only ever directed at illegal or immoral activities, thereby limiting the recognition of ‘legitimate whistleblowing’. However, Miceli and Near themselves refer to ‘illegitimate’ practices in their definition of whistleblowing: accordingly, we consider the authors’ broad definition to be entirely consistent with the aims of our research (although we resist the authors’ advocacy of a four-stage decision-making process).

In contrast to the definition of whistleblowing adopted in this article, ‘wrongdoing’ is the very activity or conduct which whistleblowing seeks to address and ultimately put to an end. As suggested, wrongdoing can generally be defined as an illegal, immoral or illegitimate practice. More specifically, we define wrongdoing as conduct falling along a spectrum of behaviour, which ranges from serious illegality to unprofessional or improper behaviour in the

workplace. This broad definition of wrongdoing is consistent with recent Australian research of whistleblowing in the Australian public sector (see Brown and Donkin 2008). As Brown and Donkin note, ‘restricting whistleblowing to only “serious” examples of public interest wrongdoing begs the question of in whose judgment the wrongdoing meets that threshold’ (2008, p. 14). Accordingly, our research sought to uncover not only the participants’ perception of whistleblowing on serious cases of fraud or negligence, but also each individual participant’s *own* perception of ‘wrongdoing’ as potentially arising during regular, day-to-day work activities. For our research, we considered examples of such wrongdoing as including, but not limited to, misconduct for material gain (including bribery, corruption and theft), improper or unprofessional behaviour, negligence, incompetence, and waste or mismanagement of organisational resources.

By considering whistleblowing/silence critically, it is possible to theorise the dichotomy as a form of discourse. *Discourse* has a wide variety of meanings. According to the *Oxford English Dictionary* (1989, p. 751), discourse can refer to the ‘communication of thought by speech’, a ‘narrative’, an ‘account’, a ‘conversation’, or a ‘spoken or written treatment of a subject’. Simply put, discourse can describe ‘talk and text’ (Van Dijk 2001, p. 352). Following the work of Michel Foucault, we define discourse as the point of intersection between bodies of knowledge and disciplinary practices (McHoul and Grace 1997).

Defining discourse in this Foucauldian manner moves the concept away from the semantics of language (such as grammar or linguistics) and closer to that of ‘discipline’. As with McHoul and Grace (1997), *discipline* is used here in two senses. First, it refers to scholarly or scientific disciplines, such as medicine, sociology and the law. Second, it refers to disciplinary institutions of social control, such as schools, prisons and places of work. Fundamentally, a Foucauldian approach to discourse highlights ‘historically specific relations between disciplines (defined as bodies of knowledge) and disciplinary practices (forms of social control and social possibility)’ (McHoul and Grace 1997, p. 26). Understood in this way, the whistleblowing/silence dichotomy can be recognised as a social construction that controls and regulates employee behaviour with a particular discursive regime, and in so doing limits the possibilities of alternative employee pro-social behaviour that may prevent and rectify organisational wrongdoing.

Control and regulation underlie Foucault’s description of *governmentality*. According to Lemke (2001, p. 191), Foucault’s governmentality framework highlights ‘the innovative potential of the notion of governmentality’, sometimes referred to as ‘the art of government’. Governmentality constitutes two separate concepts: *govern* and *mentality* (Dean 1999; Lemke 2001). Foucault sought to

define government as conduct, or, more precisely, as ‘the conduct of conduct’, and thus ranging from ‘governing the self’ to ‘governing others’ (Lemke 2001, p. 191), thus linking government to a *mentality*, which Lemke (2001, p. 191) defines as ‘modes of thought’ or a kind of disposition or outlook on ‘our organised ways of doing things ... [through which] ‘truth’ is produced’ (Dean 1999, p. 18).

For our research, the semantic link of *govern* to *mentality* has been useful in two ways. First, the concept of governmentality makes problematic the extent to which it is possible to question and examine various practices as a technique of ‘government’. As Dean (1999, p. 16) argues, a mentality ‘is relatively taken for granted, i.e. not usually open to questioning by its practitioners’. This insight as to the ‘taken-for-granted’ nature of governing assists in theorising the taken-for-granted discourse of whistleblowing/silence: in other words, we suggest that the whistleblowing/silence dichotomy is a constructed mentality that has not been interrogated to a sufficient extent. Second, the concept of governmentality has been essential to theorising the relationship between power techniques (governing) and forms of knowledge (modes of thought). In particular, governmentality recognises the reflexive relationship between ways of governing and ways of thinking about governing. Dean (1999, p. 18) summarises this approach succinctly:

On the one hand, we govern others and ourselves according to what we take to be true about who we are, what aspects of our existence should be worked upon, how, with what means, and to what ends. On the other hand, the ways in which we govern and conduct ourselves give rise to different ways of producing truth.

Dean (1999) refers to three interrelated domains of government: government of the state, the government of others, and the government of the self. This ‘triple domain’ has assisted our analysis by raising the possibility that governing from the ‘top-down’, by those in formal authority positions, relies upon a ‘whole series of multiple and indefinite power relations’ (Foucault 1980, p. 64). Thus, consideration has not only been given to the direct regulation of whistleblowing from the ‘top-down’, such as administrative legislation and policies, but additionally forms of indirect regulation that appear to work from the ‘bottom-up’. We suggest that the whistleblowing/silence dichotomy is consolidated as a result of the intersection of these two levels of government: a construction of mentality from the ‘top-down’ which becomes the status quo as a result of government (or acquiescence) from the ‘bottom-up’, ultimately reinforcing this deliberate construction (or mentality). Foucault’s concept of discourse thus provides the theoretical foundation for making sense of minute

forms of regulation and control, including the regulation of organisational wrongdoing beyond the whistleblowing/silence dichotomy. From a Foucauldian perspective, discourse operates as hidden, everyday disciplinary power. Disciplinary power is ‘part and parcel of the everyday life of the body of the individual and of the body politic’ (Burrell 1998, pp. 20–21). Discipline is thus embodied not only in official rules and sanctions, but also the minutiae of everyday life. In summary, Foucault’s framework requires asking *why* the dichotomy of whistleblowing/silence is the dominant discourse and, as per Foucault, the task is to unravel the myriad of other possibilities of human action that challenge organisational wrongdoing.

Our analysis is not, however, entirely reliant upon Foucauldian concepts of discourse and disciplinary power. Our research also sought to explore whether, and how, individuals negotiate and *resist* whistleblowing/silence. Unfortunately, the relationship between Foucauldian theory and resistance is somewhat troubled. According to Findlay and Newton (1998, p. 224) ‘many Foucauldian studies appear to theorize resistance inadequately, and overemphasize the significance of surveillance ... a problem which itself reflects a more general lack of attention to agency’. Once individuals are understood as constituted within discourse, or discursive practices, then it seems near impossible to reconstruct ‘alternative notions of the self that escape the circular entrapments of discourse’ (Caldwell 2007, p. 782). This article explores the concept of a ‘divided self’, as presenting the possibility of resistance against the discourse of whistleblowing/silence.

Research Methodology

Our research was conducted during 2008 and involved 11 interviews ($n = 11$) at ‘LocalMoney’ (a pseudonym). Given that our focus (that is, internal whistleblowing) has attracted minimal attention in the literature, our research was essentially exploratory (Singleton et al. 1993). We relied on a qualitative methodology to amass the necessary depth of data (Bouma and Atkinson 1995) required. In particular, a case study approach was selected to enable the intensive analysis of all relevant data and details (Kumar 1996).

LocalMoney is a small financial services organisation that has operated for approximately 40 years as a metropolitan-based operation. LocalMoney has one ‘head office’ and four branch locations. A small organisation was selected because previous whistleblowing research had suggested that smaller organisations, with less bureaucratic layers, are more likely to support internal whistleblowing (King 1999). This claim is supported by Miceli and Near

(1985), who find that smaller government agencies that encouraged whistleblowing experienced less external whistleblowing. Barnett (1992) also finds that larger companies (more than 1000 employees) report higher levels of external whistleblowing than smaller companies. However, in selecting an organisation to study, judgment sampling was used, to best enable us to address the research questions (Saunders et al. 2003). For this research, the possible sample was initially restricted to private sector organisations with Australian operations, and which had an internal disclosure policy.

Owing to concerns of confidentiality, the participant organisation would not agree to the inclusion of the internal disclosure policy in any resulting publication or research article. However, inspection of the internal disclosure policy implemented at LocalMoney revealed that the policy repeated several definitions contained in the Australian Standard *AS 8004-2003: Whistleblower Protection Programs for Entities*. The Standard defines a whistleblower as a person who ‘attempts to make or wishes to make a report in connection with reportable conduct’ (Standards Australia 2004, p. 7). ‘Reportable conduct’ is defined as constituting, in the view of a whistleblower acting in good faith, conduct that is dishonest, fraudulent, corrupt, illegal, unethical, seriously improper or unsafe (Standards Australia 2004, p. 6). However, unlike the Standard, the LocalMoney internal disclosure policy did not provide disclosure mechanisms, such as an internal ‘hotline’, or specify ‘Whistleblower Protection Officers’, whose role is to ‘safeguard the interests of the whistleblower’ (Standards Australia 2004, pp. 8–9). This is likely due to the small size of the LocalMoney organisation—instead, the policy directed disclosures to be made in the first instance to an immediate supervisor or the Operations Manager. The LocalMoney policy emphasised the importance of confidentiality for all formal disclosures.

Interviews were conducted at the head office, as well as two other LocalMoney branches. Participants included two managers at the head office (‘Operations Manager’ and ‘Member Services Supervisor’) as well as employees at different levels of seniority (‘Senior Member Services Officer’, ‘Member Services Officer’ and ‘Trainee’). The interview participants self-selected, though the intention was to interview a range of organisational members, including managers and employees of varying seniority, length of employment and branch location. Accordingly, the length of the participants’ employment at LocalMoney ranged from 25 years to 6 months. Only one participant was employed part-time; the rest were full-time employees. All participants, except for the Member Services Supervisor, were female. None of the participants had previously ‘whistleblown’ in accordance with the organisation’s internal disclosure policy.

Interviews were conducted using a semi-structured schedule of questions (see [Appendix 1](#)). Each interview lasted approximately 1 h, was transcribed and then returned to the participant for verification. Raw interview data was initially categorised to provide a framework for the analysis (Saunders et al. 2003). Such initial categories can be based on terms emerging from the data, actual terms used by participants, or terms used in the existing theory and literature. For our research, the initial categories were structured within the interview schedule, and based on broad topics considered relevant: specifically, ‘organisational culture’, ‘business ethics’, ‘organisational values and personal values’, ‘sub-cultures’, ‘whistleblowing and internal disclosure policy’, and ‘employee utilisation of policy’.

The initial categorisation of data was, in this sense, driven by different topics of discussion; a secondary process was required to sort through the individual responses in terms of the actual discourse produced. Out of this secondary process, themes were identified centring around both the participants’ attitude towards both the organisation of LocalMoney, and internal whistleblowing/use of the internal disclosure policy. One researcher initially undertook the process of ‘open coding’ (Richards 2005, p. 71), assisted by *NVivo* computer software. Emerging themes were then considered and evaluated in discussion with another researcher.

Whistleblowing/Silence at ‘LocalMoney’

Organisational Milieu: ‘Mateship’ at LocalMoney

Our qualitative data identified three themes illustrative of organisational life at ‘LocalMoney’. The first was ‘belonging’ or *integration*. Ten participants from LocalMoney described not only working, but also socialising with their colleagues. Rather than referring to ‘co-workers’ or ‘colleagues’, participants talked about their friendships with the ‘other girls’. All of the participants described close social ties and networks between co-workers. Indeed, all participants described LocalMoney as a ‘family’.

Values of community and ‘family’ at LocalMoney also extended to customers. An emphasis was placed upon making customers feel valued when attending a branch. The term ‘member’ was used to describe a customer (hence, ‘Member Services Officers’), and this semantically highlighted the goal of making individuals feel like they ‘belong’. In regards to customer service, all participants asserted that the ability to provide a quality service took precedence over selling financial products, such as credit cards or insurance policies. This was reinforced by the lack

of a formal incentives scheme for general staff who did sell these products.

For the majority of participants, integration into the organisation was often described alongside a second theme of *ownership*. For example, ‘Rachel’, a Member Services Officer, described LocalMoney as ‘her company’. This sense of ownership translated into a responsibility for managing organisational problems; that is, organisational problems were seen as personal problems. The third theme was *openness*. All of the participants asserted that they were quite happy to speak up-front with any person with whom they might have an issue, or whom they considered to be acting in breach of a company policy.

The participants’ public transcript (Scott 1990) epitomised what is often described as the Australian culture of ‘mateship’ (Dawson 2000). As put by Wood (2002, p. 72):

‘Mateship’ is an Australian social more that means that [a social bond] exists between a group of people ... You do not report your mates i.e. ‘close friends’ to any authority for any wrongdoing. You protect your ‘mates’ and by doing so you protect the integrity of the group.

A study of Queensland public sector workers, reported by De Maria and Jan (1997), appears to support the thesis that whistleblowing in Australia is discursively constructed as a betrayal of this culture of ‘mateship’. The study distinguishes between ‘official retaliation’ against whistleblowers (punishment ‘veiled behind policy and procedure’ such as relocation) and ‘unofficial retaliation’ (ambiguous and subtle workplace interactions) (De Maria and Jan 1997, p. 45). The research found that virtually the entire sample (94%) of 83 self-selected whistleblowers suffered unofficial retaliation in the form of workplace ostracism (De Maria and Jan 1997). Sawyer (2004, p. 9) similarly argues that an ‘anti-dobbing’ culture means Australian whistleblowers affront ‘tight, well-controlled networks of mateship which extend into all areas of governance’. On the other hand, a survey of 800 public sector employees in New South Wales found that only 9% of respondents would not make a report because of peer pressure and ‘only eight people out of the 800 respondents talked about reporting being ‘unAustralian’ or about being labelled a ‘dobber’ (Zipparo 1999, p. 88).

Whistleblowing/Silence in Action: Fear and Silence

A common response to the topic of whistleblowing from LocalMoney participants was a *fear of exposure*; that is, a fear of being exposed to other employees in the organisation as ‘a whistleblower’. ‘Laura’, a Member Services Officer, shared this opinion:

That word, whistleblower, sounds really devious ... kind of like those ‘scabs’ that break picket lines ... Even if I knew that someone had whistleblown for the right reason, I might be kind of wondering what their motives were, why they just couldn’t be open with everyone ... I would be ... surprised if someone took it on themselves to go and dob to [the supervisor] in secret. On this side of the fence, it would be hard to trust that person again.

A range of negative meanings were associated with whistleblowing by nearly all of the LocalMoney employees: whistleblowing was likened to ‘betrayal’, ‘backstabbing’, ‘dobbing’, ‘do-gooding’ and being a ‘mole’. In nearly all of the interviews, it emerged that the participants often cited conversations with other co-workers as the reason for this negative construction. The fear of exposure appeared to be heightened by the strong sense of integration and ‘belonging’ within the organisation. It is not surprising that, feeling as though they had established a place within a tight-knit ‘family’ of co-workers, the participants were wary about any kind of action that could result in their ostracism.

A second fear of whistleblowing described by the participants was a *fear of unknown consequences*. To an extent, the fear of unknown consequences could be described as a fear of retaliation. Indeed, the majority of participants articulated their fear of retaliation, such as Rachel:

Being found out would be a constant worry, and because you don’t know how people are going to react, I guess that might make you wonder whether it would be better not to [whistleblow] at all.

However, the fear expressed by LocalMoney participants was not merely that of retaliation, but included other possible consequences. One of these was a fear of harsh or unjust punishment for the person or persons on whom the whistleblower’s report would be made. For example ‘Emily’, a Senior Member Services Officer, worried that if she made a report, the consequences suffered by the other party would be out of her control:

I wonder what would happen to the other person ... I don’t like to feel out of control, and the reality is, once you give something to [a supervisor], it’s out of your hands.

Comparing Rachel and Emily’s quotes reveals an inherent tension, between feelings of ‘belonging’ and ‘family’, and the power of those who are knowledgeable of a whistleblower’s report. In this regard, the close relationships between general staff at LocalMoney—again the existence of ‘mateship’—appeared to be a significant cause of the fear of whistleblowing.

In sum, the interviews with LocalMoney employees confirmed that whistleblowing represented an act of significant risk and uncertainty (McLain and Keenan 1999). All but one of the employees expressed deep misgivings about whether they would use the LocalMoney internal disclosure policy. At least on the surface, a discourse of whistleblowing/silence tends to support silence, and discourage internal whistleblowing. In this way, we suggest that the whistleblowing/silence dichotomy operates as a kind of Foucauldian discourse, shaping the responses to organisational wrongdoing into a dichotomous decision to ‘blow the whistle’ or remain silent. At LocalMoney, these responses were given force and effect by a culture of mateship, and the potential risks associated with whistleblowing.

It is important to recognise that organisations have a degree of self-interest in perpetuating silence, rather than encourage whistleblowing. The word ‘organisation’ here signifies the entire structure of a company—its bureaucracy—as a contained regime of power-knowledge (Alford 2001, p. 98). At LocalMoney, ‘Michael’, the Member Services Supervisor, commented that whistleblowing was ‘just not something that we discuss here’. ‘Janet’, the Operations Manager, confided that the last time she had read the LocalMoney internal disclosure policy was during her initial training, over 6 years ago. Alford (2001, pp. 98–99) argues that the market in which organisations operate is a ‘hostile environment’, in which an organisation must transgress the boundaries of other organisations ‘lest it be transgressed against’. Characterised in this way, a whistleblower represents an insidious ‘boundary violator’, traitorously representing ‘the outside’—that is, external moral values—on ‘the inside’ (Alford 2001, p. 99). As a result, whistleblowing is discursively constructed as an explicit challenge of political dissent (Perrucci et al. 1980).

Beyond Whistleblowing/Silence: Dissenting Discourse at LocalMoney

Divided Selves

Our research moved beyond the public discourse of whistleblowing/silence, to explore ‘hidden transcripts’ of everyday regulation with the participants (Scott 1985, 1990). The hidden transcript refers to ‘discourse that takes place ‘offstage’, beyond direct observation by powerholders ... it consists of those offstage speeches, gestures, and practices that confirm, contradict, or inflect what appears in the public transcript’ (Scott 1990, pp. 4–5).

As discussed above, it has been said that Foucauldian organisational theory precludes ideals of intentional action (Giddens 1984), and occupies a space ‘filled with nothing

but discourses about discourses [and] possible agential selves with no agency' (Caldwell 2007, p. 786). Theorising the possibility of resistance against whistleblowing/silence has been principally assisted by the studies of Collinson (2003), Kondo (1990) and Scott (1985, 1990). Drawing on the conceptual insights offered by these theorists, we suggest that recognising the potential for resistance against a regime of governmentality first requires recognising the potential for reflexivity.

According to Collinson (2003, p. 259), every human being has 'the capacity to reflect upon ourselves and to see ourselves as separate from the natural and social world around us'. This potential for reflexivity can be related to the nature of identity and subjectivity as 'precarious, insecure and uncertain' (Collinson 2003, p. 530). Kondo (1990, p. 24) similarly asserts the insecure and unstable nature of subjectivity, arguing that identity, rather than being a 'fixed thing', is negotiated.

Our conceptualisation in this area was aided further by Scott's concept of a 'divided self'. Scott (1990, p. 33) describes this as a 'division of the self in which one self observes, perhaps cynically and approvingly, the performance of the other self'. Similarly, Dean (1995, pp. 563–564) states that the 'capacities for political action ... 'make up' different kinds of selves or subjects'. In this sense, it is argued that there is always a part of the self that exists outside of a discourse. The use of the singular ('a discourse') signifies the operation of numerous discourses upon the self in every social setting. Employees are not merely employees, but also citizens of a country, and members of a family and a whole variety of community and cultural groups. Whereas one part of a person's self may be constructed in a discourse particular to their position as an employee, other parts of their self may be simultaneously constructed in a discourse particular to their role as a husband or mother or conservative Christian or passionate environmentalist.

It is *because* the self is made up of many selves that individuals are able to escape the entrapments of discourse. As Kondo (1990, p. 259) argues, conceptualising a divided self underlines the 'creative potential for multiple points of contestation'. Multiple points of contestation give rise to the possibility of reflexive subjectivity, such that one part of the self might always be able to critically reflect upon another part of the self. However, recognising that the self is always constructed in discourse means that the bonds of power relations cannot be easily or even effectively broken. Therefore, we cannot argue for a resistance that occurs on a revolutionary scale or relies upon utopian imagery: instead, the concept of a divided self attempts to discern the possibilities that exist for a creative subversion of hegemonic discourse (such as whistleblowing/silence). In summary, we suggest that the divided self relies upon different levels

of consciousness at a single point in time to re-appropriate and initiate hidden discursive strategies.

Hidden Transcripts

How then is a researcher to begin searching for discourse that, by its very nature, is hidden? Scott (1990) uses the term 'public transcript' to describe knowledge/power that is *known*. However, Scott argues that this public transcript muffles the many levels at which power relations occur and urges that uncovering resistance requires unravelling the 'hidden transcript' (Scott 1990).

The concept of the hidden transcript describes 'discourse that takes place 'offstage', beyond direct observation by powerholders ... it consists of those offstage speeches, gestures, and practices that confirm, contradict, or inflect what appears in the public transcript' (Scott 1990, p. 5). Searching for the hidden transcript requires being alert to knowledge that is implicit rather than explicit, and identifying minute, informal networks. Through implicit understandings, hidden transcripts appropriate spaces of regulation that can resist a dominant discourse of whistleblowing/silence. Examples of discourse that rely upon a hidden transcript include rumours, gossip, folktales, jokes, songs, rituals, codes and euphemisms. These forms of discourse effectively allow individuals to voice dissent whilst shielding their subordination (Scott 1990). We refer to these forms of discourse as *dissenting discourse*.

Our research suggests that dissenting discourse, as a form of everyday resistance, can ultimately make palpable the political presence of the disempowered. Notably, this potential for dissenting discourse was recognised by Foucault himself (Foucault 1980, p. 64):

There are many different kinds of revolution, roughly speaking, as many kinds as there are possible subversive recodifications of power relations, and ... one can perfectly well conceive of revolutions which leave essentially untouched the power relations which form the basis for the functioning of the state.

Dissenting Discourse and Everyday Resistance at LocalMoney

Four primary forms of dissenting discourse were identified in the interviews with LocalMoney participants: codes, sarcasm, jokes and gossip.

Codes were evident where the participants had codified the names of particular processes or other workers with special words. For example, codes could be used where a shared history provided the basis for implicit understandings between co-workers (Scott 1990). Emily and Rachel are both fans of the popular American television series

Grey's Anatomy. Rachel described how they once compared characters from the television show to actual people at LocalMoney, and would later use these code names to refer to LocalMoney employees:

So [Michael] we call 'the Chief', and [Janet] is obviously 'Bailey' ... I like to think that I'm 'Callie' ... sometimes me and [Emily] will use these names to refer to some of the other girls ... the characters are really actually like how they are on *Grey's*!

Emily recited six different situations where she and her co-worker had used these code names to discuss the conduct of other co-workers, of which herself and Rachel disapproved. Five of these situations involved inefficiency, such as consistently arriving late to work or failing to complete set tasks within a required period of time. However, one of these situations of coded communication included co-workers failing to comply with, or understand, the required procedure in creating new accounts, thus increasing the potential for error or illegality. An example of this situation arose when Emily realised, and communicated in code to Rachel, that another co-worker had no idea about the importance of explaining and providing a Product Disclosure Statement to potential customers:

I couldn't believe it at first, 'cause it's something that we are all supposed to know, but there you go ... she has no idea what a PDS [Product Disclosure Statement] is. At first it's funny, but then you realise how, kind of, dumb that is. It's a bit worrying!

According to the Operations Manager, an employee's failure to provide and adequately explain a customer's potential liability using a Product Disclosure Statement would be a 'serious concern' and 'grounds for a formal reprimand'.

Sarcasm was also said to be a means of indicating disapproval for another co-worker's conduct. 'Hayley', a Member Services Trainee, stated:

You know, if someone hasn't balanced the cash right, at the end of the day, I'll just go, 'stealing money again, are we?' Or, 'how about emptying your pockets? Usually that's enough to make sure that the cash is checked more accurately next time.

Hayley also explained that she would not usually use such sarcasm unless she felt 'familiar' with the other employee. The danger of being misunderstood was said to be a real concern. As such, the implicit understanding that sarcasm was regularly used was essential to ensuring the effectiveness of the humour used. At the same time, that implicit understanding signified its importance, and thereby encouraged a change in behaviour.

Similarly, 'Kate', a Member Services Officer, stated that she would use sarcasm to indicate to another worker if they had arrived late to work, and was thereby able to impact upon that worker's behaviour:

I have had problems with someone coming in consistently late in the past, and it's affected morning procedure ... After a while, I'd just start looking at my watch and say, 'did you forget to set the alarm then?' She realised that I had been noticing when she was coming in late, and it stopped almost straight away.

Kate, like Hayley, asserted that the use of humour, through sarcasm, tended to be far more readily accepted in the workplace than a direct reprimand, and kept relations between 'the girls' light-hearted, even if the undertone of the message—that is, the hidden transcript—was a serious one.

Another form of dissenting discourse used by the participants was jokes. The majority of the participants spoke of a generally light-hearted atmosphere throughout the organisation, but the Operations Manager, for example, noted that the use of jokes could be an effective means for changing a worker's behaviour:

There was one girl who started one day just wearing an inappropriate shirt – it really was much too short – and I just made a joke about her leaving it in the dryer for too long ... After a while, it became a sort of running thing that everyone would say, a bit of an in-joke, and the girl didn't seem to mind ... And it's a good reminder to everyone else that if they don't want to be teased, they better wear the right shirt!

On the one hand, this form of communication does not transcend the whistleblowing/silence dichotomy, in that the manager's joke descended from the top of the organisation, rather than from the 'bottom-up'. On the other hand, it must be remembered that LocalMoney is a small organisation, with far 'flatter' lines of organisational hierarchy. Further, this example confirms the values of 'mateship' and 'family', which may extend to even senior organisational figures, and discourage formal or overt reprimands against wrongdoing.

One participant expressly discussed her use of jokes to 'de-authorise' or 'down play' her role in directly dictating workplace norms to other workers. Hayley often felt uncomfortable in setting tasks for the other workers, based on her junior rank and relatively young age. However, in her words, at times Hayley would become 'annoyed' by other workers 'slacking off'. If she did decide to set a more senior worker a particular task, Hayley described how she would use jokes to disguise the regulation of the other worker's behaviour:

I have said in the past, ‘Oh did you hear about how they’re making us check through [files in a particular way]? Funny isn’t it, you’d think they’d know how busy we are’. When I said this, we were actually really quiet, and the girl wasn’t doing anything, so then she laughed and got up to check [the files]. It did make me feel better ... certainly I wouldn’t feel so comfortable just ordering the other girls around.

Finally, our findings also suggest that the participants used gossip as a form of dissenting discourse. The use of gossip at LocalMoney primarily occurred as a means of complaining about the poor standard of another employee’s work behind the worker’s back. Seven of the general staff participants mentioned an instance where they had used gossip to tell a colleague about another worker’s failure to comply with set organisational policy, or had been the recipient themselves of such gossip. Again however, this dissenting discourse was framed by implicit understandings within the workplace: all of the participants assumed that gossip would eventually reach the subject of the gossip. The majority of participants also stated that they would generally share gossip about another worker only if a more direct approach would not be ‘suitable’ to bring about a change in behaviour. The effectiveness of gossip as dissenting discourse was asserted by Laura, who suggested that listening to gossip kept her ‘on her toes’, and made her especially careful about complying with the required organisational procedures.

In summary, the use of codes, sarcasm, jokes and gossip at LocalMoney was situated within a power-knowledge regime, but outside that of a whistleblowing/silence discourse. The local knowledge derived from implicit understandings allowed for disciplinary practices that appeared to form part of the regulation of organisational behaviour.

Panopticism of Everyday and Ethical Strategy

Our research suggests that the use of dissenting discourse by participants at LocalMoney created a Panopticon-like effect (see Foucault 1991c) within the organisational branches. Aware that their behaviour was being regulated not only by the management of the organisation, but also their co-workers, it appears that the LocalMoney participants internalised regulation, and by turning a ‘reflexive gaze’ upon themselves, sought to regulate their own behaviour in terms of constant surveillance. Our findings thus illustrate Dean’s (1999) description of the interrelated domains of government of others and government of the self. The effectiveness of dissenting discourse at LocalMoney can be theorised in terms of what Foucault (1991c, p. 212) called the ‘panopticism of everyday’. The more a

LocalMoney employee used dissenting discourse to regulate behaviour, the more it would become self-evident that a similar kind of discourse could just as easily be used to shape his or her own behaviour; for example, Hayley’s use of jokes so as not to ‘cause a scene’.

As a result, the power relations operating through dissenting discourse at LocalMoney placed each employee within a far more ‘horizontal’ or equal relation of power than is described by Foucault’s Panopticon (Foucault 1991a). There were no prisoners trapped in their cells and guards hidden in a central tower, but rather each organisational member was simultaneously a prisoner and a guard, regulating and being regulated by others: effectively, a government of the self by the self. In this manner of regulation, power can be seen not merely as a form of command or possession, but rather as a *relation*. For Foucault, power is ‘rooted in the system of social networks’ or social relations (Foucault 1982, p. 224). By viewing power not merely as a quantitative phenomenon to be possessed, but instead as a ‘micro-physics’ existing at multiple levels of regulation, Foucault expanded the bases from which power could be exercised. As a ‘microphysics’, power can be exercised regardless of social, political, economic and organisational status. In other words, every individual has the power to exercise ethical and political agency: the challenge is to identify the *means* by which that agency might be effectively exercised.

The use of dissenting discourse at LocalMoney can be understood, following Foucault (1990), as an ‘ethical strategy’ through which the participants sought to act based upon their moral values and create an individual, ethical identity. For Foucault, ethics is ‘the kind of relationship you ought to have with yourself ... and which determines how the individual is supposed to constitute himself [sic] as a moral subject of his own actions’ (Foucault 1991b, p. 352). It is government of the self by the self. In contrast, morals form a code ‘which determines which acts are permitted or forbidden and ... the positive or negative value of the different possible behaviours’ (Foucault 1991b, p. 352). Rather than being equivalent to ethics, morality for Foucault ‘codifies and is inscribed within and modified by ethical practices’ (Dean 1994, p. 155).

The participants who used dissenting discourse were clearly driven by a moral code—for example, what is ‘good’ conduct at work, and what is ‘wrong’. Dissenting discourse is described as an ethical strategy because in so doing, participants avoided the processes of external subjectification that might have been experienced in directly confronting a co-worker, and thereby be subjectified as ‘betraying’ a ‘mate’. Simultaneously, the participants were able to act upon an internal sense of ‘the self’, and thereby enact government of the self.

Our research suggests that dissenting discourse provides a viable alternative to the whistleblowing/silence dichotomy. It is a covert means for employees to sustain a positive organisational culture. However, to operate effectively, dissenting discourse is inherently dependent upon ‘bodies of knowledge’ such as implicit understandings. In that respect, it is a highly fragmented and informal source of regulation. More study is required to understand whether and how dissenting discourse creates a sustainable, long-term ethical organisational culture.

Conclusion

Vandekerckhove (2006, p. 17) has recently argued that, ‘in order to research the place of whistleblowing in today’s society, there is no point in trying to infer *the* definition or *the* ethics of whistleblowing’. Following Vandekerckhove, we argue that there is a real danger inherent in the polarisation of whistleblowing/silence. Such a dichotomy may discourage ethical organisational behaviour by employees, with too narrow a focus upon specific types of wrongdoing, and specific (but not necessarily ‘legitimate’ or ‘authorised’) channels of whistleblowing. It is our view that Foucault’s conceptualisation of ethics provides a space within which the dichotomy of whistleblowing/silence can be negotiated and resisted.

For both organisations and academics, our research advocates the importance of looking beyond a ‘top-down’ conceptualisation of how organisational wrongdoing is regulated. This top-down view is epitomised by Berry’s (2004) model of an organisational culture that facilitates whistleblowing. Such conceptualisations perpetuate the whistleblowing/silence dichotomy and do not necessarily increase the likely effectiveness of an internal disclosure policy. Rather, further consideration is required of how fragmented and smaller collectives within organisations, such as sub-groups or sub-cultures of co-workers,² influence individual ethical strategies. We found that co-workers can communicate through a discourse that relies upon implicit understandings. This finding is supported by Greenberger et al. (1987, p. 528) who argue that ‘immediate co-workers will be more influential than would other organisation or extraorganisation members’. Although the authors do not explicitly refer to a ‘culture’ of co-workers, they recognise that ‘co-workers could conceivably encourage or discourage whistle-blowing through the enforcement of norms’ (Greenberger et al. 1987, p. 528).

² Co-workers can be defined as the peers with whom an individual conducts the majority of his or her work interactions, but excludes those with a formal responsibility for managing the work of that individual (Hollinger and Clark 1982).

One promising way forward is offered by a concept that combines ethics and collective interactions. Warren (2006) has recently referred to *ethical sub-groups* within organisations. Warren defines an ethical sub-group as a work group with shared work objectives and values distinguishable from that of the larger organisation (2006, pp. 86–87). Warren (2006, p. 95) argues, as do we, that by its very nature, an organisation as a recognisable entity stands at a distance to its employees, whereas employees *within* the organisation are better able to regulate, and self-regulate, conduct.

By turning their attention towards the multitude of hidden, everyday forms of regulation within work groups, organisations and researchers alike will be better positioned to uncover new possibilities for challenging organisational wrongdoing. Whilst not ‘whistleblowing’ as per the public transcript, this everyday action may effectively ‘blow the whistle’ on organisational wrongdoing, and may assist organisations in delimiting acts of wrongdoing before they escalate onto a larger scale. Accordingly, everyday forms of regulation may be the very first step in reducing the potential for the type of spectacular corporate scandals with which the public is now all too familiar.

Appendix 1: Schedule of Interview Questions

A. Organisational Culture

Organisational symbols:

- A1. What are special terms here that only insiders understand?
- A2. Is there a particular phrase, or phrases, which you would use often?
- A3. What kind of images do you associate with your work at this organisation?

Organisational heroes:

- A4. What kinds of people are likely to advance quickly in their career here?
- A5. Whom do you consider as particularly meaningful persons for this organisation?
- A6. What type of person would fit in at this organisation?

Organisational rituals:

- A7. In what periodic meetings do you participate?
- A8. How do people behave during these meetings?
- A9. Which events are celebrated in this organisation?

Organisational values:

- A10. What things do people like to see happening here?
- A11. What is the biggest mistake you can possibly make?

- A12. What types of behaviours are rewarded?
 A13. What work problems can keep you awake at night?

B. Business Ethics

- B1. What does the term 'business ethics' mean to you?
 B2. What programs/training in ethics does your organisation have in place?
 B3. Do the leaders enforce the rules of this organisation?
 B4. How consistently are formal policies implemented?
 B5. How do leaders in your organisation manage different perspectives in the workplace?
 B6. How would your organisation respond to a confidential report made about workplace misconduct?

C. Organisational Values and Personal Values

- C1. Tell me about the values of this organisation.
 C2. Are you attracted to these values?
 C3. How attached do you consider yourself to the organisation?
 C4. Do you feel in control of your work?
 C5. Is your organisation responsive to employee concerns?
 C6. Within organisations generally, who do you believe is responsible for maintaining ethics in business?
 C7. What do you see as your responsibility in maintaining ethics in business?

D. Sub-cultures

- D1. Tell me about your relationships with other workers here.
 D2. Are these relationships different to your relationship with your manager or supervisor?

E. Whistleblowing and Internal Disclosure Policy

- E1. What does the term 'whistleblowing' mean to you?
 E2. Can you describe your organisation's internal disclosure policy?
 E3. Are you aware of any previous use of this policy? If yes—can you describe the circumstances?
 E4. How would you go about making a report to your supervisor/manager?
 E5. Would you be prepared to follow this internal disclosure policy?

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