



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

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### 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.

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## 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 been 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 Tshauridu, 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 ‘legitimation 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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