

Silencing the whistle-blowers

Julie T Davies examines the state's role in limiting 'the truth'

The word 'silence' can evoke a variety of different meanings and understandings: a sense of peace and quiet, solitude, escape; 'far from the madding crowd' of unwelcome chitter-chatter, the vagaries of everyday life. Alternatively it can be looked upon as a verb, to silence or to be silenced. Quite different concepts depend on whether you are the one being silenced, choose to keep silent, or indeed, are the one doing the silencing, though I very much doubt whether perpetrators of such silencing would 'frame' it in quite the same way: truth and justice often reside at very opposite ends of a continuum.

There is a line in a popular song from the 1960s: 'Silence is golden, but my eyes still see'. I would argue that within a state that is becoming more and more oppressive, silence is incredibly dark and murky and there are those who would prefer that we all wore blindfolds. From a critical criminological perspective, silence is an oppressive tool that has been utilised by the powerful to simultaneously maintain control over and manipulate those it sees as the 'enemy' both within and outside of state borders.

As noted by Hallsworth and Young (2013), there is both "good" or "bad" (silencing) depending on the context' that can be as 'imbued with meaning and emotions' as speech itself. This article briefly considers the role of 'silencing' in the suppression or indeed manipulation of 'the truth' in connection with so-called whistle-

blowers and the ways by which their treatment is ultimately state controlled.

The silencing of 'others'

For those with criminological, sociological and/or legal backgrounds, the silencing of 'others' is nothing new – it is a tool often used by the 'powerful' to suppress or silence dissenting voices, where certain knowledge is subjugated and, with targeted manipulation, a challenge to the status quo or indeed the highlighting of questionable, unequal or dangerous practice(s), becomes re-presented as dissent. Note how the term 'whistle-blower' is often presented with very negative overtones.

In line with Lyotard (1984), Cohen (2001) acknowledges the role of the media in where the line is drawn in terms of segregating history and in the use of rhetorical devices that either normalise certain (hi)stories/events/disasters/crimes,

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vanquish them from history or manipulate them in such a way that they become barely recognisable. Silence in this respect creates a wall behind

which people, institutions and states can hide behind to deny the very existence of wrongdoings or malpractice. As noted by Cohen, within the context of denial, 'people, organisations, governments or whole societies are presented with information that is too disturbing, threatening or anomalous to be fully

absorbed or openly acknowledged. The information is therefore somehow repressed, disavowed, pushed aside or reinterpreted'.

Lyotard argues that scientists (which we can replace with academics/primary definers/experts here) are involved in a process of knowledge legitimation that, when funded by the state, and promulgated by the media, seeks and serves to replace prior knowledge or arguably to silence that of others. The hierarchy of credibility afforded to such voices is then utilised by the state 'to obtain the public consent its decision makers need' (ibid). This point is clearly demonstrated by Herman and Chomsky (1994) who identify how, via careful 'filtration' and approval of not just editors, but

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powerful elites and indeed governments, stories become sanitised, 'the premises of discourse and interpretation...' become determined and presented under the guise of objectivity or indeed, national security and citizen's best interests.

Whistle-blowing guidance

Like the word silence, the term whistle-blower is arguably contentious. At local level, the government (2013) provides guidance on whistle-blowing for 'when a worker reports suspected wrongdoings at work'. Officially this is called 'making a disclosure in the public interest'. They then go on to indicate what 'things ... aren't right, are illegal or if anyone at work is neglecting their duties' together with information on 'how to blow the whistle'. Further links are also made to a 'list of prescribed bodies' to contact should a person be unable to discuss matters with their employers and a 'guide to the Public Interest Disclosure order'. Further guidance is given as to who is/is not 'eligible for protection' and 'qualifying disclosures'. To some extent then, there is a level of protection afforded to a citizen should they feel so compelled to highlight levels of mis-management, neglect or illegality that they think is

in the public's interest. The question remains as to how this is utilised or indeed, whether or not it is afforded equally.

It could be argued that when people do highlight such irregularities, dependent upon the situation, they do not do so lightly. As a result they should be applauded and the companies or institutions should in fact utilise such information to demonstrate to society that they recognise their failings and be clearly seen to act upon the information and improve or amend the situation, punishing wrongdoers if required. Such action could thereby assuage fears and rebuild public confidence; after all, do we not live in a society where the oft heard mantra of 'openness and transparency' is so often spouted? If we are to be applauded and rewarded for innovations that can raise the profile or increase profits, why not achieve similar accolades or status for highlighting those practices that cost in terms of life, revenue or kudos?

In an equal and just society, it could be assumed that this would be the case. However, as has been witnessed in a variety of circumstances, quite the opposite has taken place and, as previously argued, the state and/or its agents have set forth to label the whistle-blower within very narrow and negative terms. Freedom of speech, it seems, is only accessible to the powerful.

Cases of whistle-blowing are too numerous and diverse to discuss in detail, many of which are still undergoing investigation and as such it would not be prudent to pass judgement. Suffice to say, they are cases which, to all intents and purpose, will hold huge ramifications for all of us, especially those who engage in using social media; the cases of Bradley Manning and Edward Snowden being examples of the most recent.

Labelling

Although largely consigned to history many people, some whose names will not automatically be

recognisable, have come forward to highlight practices that they have found abhorrent, unacceptable or indeed illegal; such practices have and may continue, if left unregulated, cost lives. Take the case of Julie Bailey, a woman who should have expected to be thanked for highlighting appalling and unacceptable conditions and levels of practice at Stafford Hospital. Instead, Bailey has been forced to leave her home town because she became the 'victim' of the baying mob, abused by the very neighbours she ultimately sought to protect who became more incensed at the threat to jobs than the reported misdemeanours (Cohen, 2013).

As previously stated, the term whistle-blower is not just contentious in terms of creating a negative 'label', but there are those who would not, or indeed should not, be labelled in such a way. To these individuals, they are merely trying to undertake their role 'with honesty and integrity' (Sheldon in Dreaper, 2013). Although now reinstated, Sheldon was ousted from the board of the Care Quality Commission for

speaking out at the public inquiry into the aforementioned Stafford hospital failings. Yet it was her very integrity

that was brought into question as her past mental health was used to try and discredit her. It is treatment such as this, not just from the very institutions that are established to protect individuals, but media character assassination too, that ultimately serves to victimise individuals and act as a barrier to people coming forward.

Debatably the media can and does have a duplicitous relationship with the 'truth' and the somewhat salacious nature of its reportage (as utilised in the above case) serves to heighten sales rather than present facts. Yet, when it is reported by charities (such as Public Concern at Work) that most whistle-blowers are ignored, dismissed or chastised by their employer, rendered unemployable, the media is often the

only organisation to listen and highlight their concerns.

What has become apparent after reading accounts from whistle-blowers, some of whom are under investigation and therefore cannot be reported on, is that the information they provide was and already is in the public domain; only their dogged determination to seek to highlight the truth and protect others has led to the discovery of facts 'others' would prefer to remain hidden. These brave individuals then become the 'investigated', subject to restricted duties or dismissal, disciplinary action and/or gross misconduct proceedings, bullying and harassment from senior managers and colleagues; all of which are used as a tool to silence. The ideologies and stereotypes that present whistle-blowers as problematic leads to the diminution of their concerns. Freedom of expression in a liberal democracy would appear to be only available to those who yield the power to uphold it. Perhaps Leonardo da Vinci was right when he said: 'Nothing strengthens authority so much as silence'. ■

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