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# The dynamics of employee dissent: whistleblowers and organizational jiu-jitsu

Brian Martin

*University of Wollongong*, [bmartin@uow.edu.au](mailto:bmartin@uow.edu.au)

W. Rifkin

*University of New South Wales*

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# The dynamics of employee dissent: whistleblowers and organizational jiu-jitsu

Brian Martin with Will Rifkin

[bmartin@uow.edu.au](mailto:bmartin@uow.edu.au) [willrifkin@unsw.edu.au](mailto:willrifkin@unsw.edu.au)

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## Abstract

Whistleblowing is a form of organizational dissent that is rarely successful, instead usually leading to disaster for the whistleblower. Organizational theorists seldom have addressed the question of how to improve whistleblowers' strategies. A useful general perspective for doing this is to conceive of bureaucracies as authoritarian political systems. The concept of political jiu-jitsu, from the theory of nonviolent action, is adapted to organizational contexts and used to assess a range of tactics used by organizational elites against dissidents. The resulting implications for whistleblower strategies are assessed by comparison with standard recommendations offered by experienced whistleblower advisers.

Keywords: whistleblowers; dissent; nonviolent action;

organizations

The term "whistleblowing" can be used very broadly to refer to an act of dissent or defined in a precise way, for example as "an open disclosure about significant wrongdoing made by a concerned citizen totally or predominantly motivated by notions of public interest, who has perceived the wrongdoing in a particular role and initiates the disclosure of her or his own free will, to a person or agency capable of investigating the complaint and facilitating the correction of wrongdoing" (De Maria 1995: 447). Most studies of whistleblowing have focused on open principled dissent by employees, with attention commonly given to exemplary stories about whistleblowers, procedures for handling disclosures, whistleblower legislation, and characteristics of whistleblowers (Alford 2001; De Maria 1999; Dempster 1997; Elliston et al. 1985; Ewing 1977; Glazer and Glazer 1989; Hunt 1995, 1998; Lampert 1985; Miceli and Near 1992; Miethel 1999; Nader, Petkas and Blackwell 1972; Peters and Branch 1972; Truelson 1987; Vinten 1994; Westin, Kurtz, and Robbins 1981). Embedded in the literature are many practical hints about how whistleblowers can be more effective - especially by suggesting what not to do - but few of these recommendations are backed by theoretical grounding.

From the point of view of employers, writings on whistleblowing provide much high-minded advice on setting up and running proper procedures for employee disclosures. On the other hand, a Machiavellian employer could extract from whistleblower stories many ideas on how to suppress dissident employees (Kennedy 1985; Westhues 1998). Not surprisingly, there is little published that explicitly tells how to squash an employee who exposes high-level or systemic corruption, though this occurs all the time.

A problem for employers is how to deal with employees who make disclosures that are false and damaging to the organization. The temptation is to suppress them, even though some such employees eventually turn out to be correct. Again, there is little in the literature to guide employers who have to deal with a misguided or malicious employee who adopts the guise of a whistleblower. The gap here is between descriptive and analytical literature that addresses misbehavior, for example Ackroyd and Thompson's *Organizational Misbehaviour* (1999), and the literature that addresses purposeful or accidental missteps and whistleblowing, for example Vaughan's *The Challenger Launch Decision* (1996), and analytical and though more

prescriptive pieces on miscues, like Perrow's *Normal Accidents* (1984) or recent works along these lines on "high reliability" organizations.

Just as whistleblowers and employers have no theory to guide their actions, so researchers have no standard way to analyze the dynamics of organizational dissent. That is, there are no standard ways to analyze strategies of dissent along with likely responses and responses to those responses or, in other words, to analyze the "dance of dissent." In an effort to address this gap, this article is meant to be a theoretical "pot stirrer" in that we seek to add a theoretical perspective that seems to offer both theoretical insight and practical application, but which has not previously been applied to whistleblowing situations. The focus on a "dance of dissent" necessitates addressing the whistleblower and the accountable manager or organization in concert. In contrast to more traditional whistleblowing literature, actions are depicted in terms of the strategies and counterstrategies pursued by each side rather than in terms of the moral ends that are the aims of these strategies. That is, you are seeing the "dance" rather than the spots where the partners begin the dance and where they end. One aim is to generate theory to help dissenter and manager determine what strategies and responses to employ in which situations and why. The manager, in particular, can gain insight into how to explore dissent to determine whether it is due to one individual's problems (for example, personality conflicts) and/or organizational problems (such as morally repugnant behavior).

We address this gap by drawing on the concept of political jiu-jitsu (Sharp, 1973). If a group of peaceful protesters is brutally attacked by police or shot by soldiers, this action can rebound against the attackers by generating more public support for the protesters, attracting more supporters to the protest cause and even causing some of the attacker group to recoil. This is an example of a process called political jiu-jitsu because the attack causes the attackers to lose balance as in the Japanese system of unarmed combat called jiu-jitsu. This concept can be adapted for use in studying organizational dynamics. There have been a few studies comparing nonviolent action and whistleblowing (Elliston 1982; Martin 1999b), but these have not examined political jiu-jitsu.

Of the many models of power and conflict in organizations (Farazmand 1999; Kolb and Bartunek 1992; Lee and Lawrence 1985), the foundation that is most useful for applying nonviolence theory to organizations is the idea that bureaucracy is analogous to an authoritarian state. Weinstein

(1977, 1979) argues that bureaucracies are political as well as administrative structures, because their operation normally, though not exclusively, involves power, conflict and domination. According to Weinstein, bureaucracies cannot be solely administrative because not all goals are shared and hence the exercise of power is required for action. In addition, managers are not always "rational" with respect to achieving publicly-stated organizational goals; each has his or her own agenda. In a typical bureaucracy, control is exercised by elites through a hierarchy, with little or no popular participation in organizational governance. Accordingly, Weinstein draws an analogy between bureaucracies and authoritarian states: employees and citizens lack freedoms. Just as there can be opposition movements within states, so there can be oppositions within bureaucracies. Trade unions are a form of opposition, though with no expectation of formally taking power. One major difference between authoritarian states and bureaucracies is that the latter do not today have overt control over means of physical violence, with some exceptions such as police and military bureaucracies. Therefore struggles within bureaucracies occur largely without overt use of physical violence.

The conception of bureaucracies as analogous to political systems allows the application of a host of political analyses. Zald and Berger (1978) examine social movements within corporate hierarchical organizations, looking specifically at organizational coups, bureaucratic insurgency, and mass movements. Rothschild and Miethe (1994, 1999) treat whistleblowing as a form of political resistance. In this tradition, this article brings nonviolent action theory to bear.

In the next section, political jiu-jitsu is explained and then adapted for application to organizational struggles. The following section examines a number of tactics used by employers that prevent or reduce backfire from an attack on an outspoken employee. Whistleblowers in turn can counter these tactics by acting in ways that maintain the potential for organizational jiu-jitsu. To assess the soundness of these theoretically derived whistleblower countermeasures, they are compared to standard recommendations from experienced whistleblower advisers.

## Political jiu-jitsu

Nonviolent methods of action have been used for hundreds

of years, but theorizing this mode of action did not begin until the 1900s. Gandhi (1927/1929) is recognized as the pioneer of nonviolence as a consciously designed mode of struggle, though his own voluminous writings do not present a precise theoretical picture. Nonetheless, his combination of theory and action inspired many others (Bondurant 1988; Gregg 1966; Shridharani 1939). Gandhi had a principled commitment to nonviolence, though his own practice was often quite savvy (Sharp, 1979). However, many practitioners choose nonviolence not for ethical reasons but because it seems more likely to be effective. This pragmatic approach is dominant in the West.

Gene Sharp is widely regarded as the foremost theorist of pragmatic nonviolence. In his classic work *The Politics of Nonviolent Action*, Sharp (1973) draws upon a huge range of literature to develop a comprehensive account of the methods and dynamics of nonviolent action. He describes nearly 200 different methods, for example picketing, symbolic sounds, vigils, mock funerals, ostracism, protest emigration, lockouts, trade embargoes, prisoners' strikes, working-to-rule strikes, boycotts of elections, noncooperation with conscription, withholding of diplomatic recognition, sit-ins, guerrilla theater, alternative markets, and overloading of administrative systems.

There are numerous historical examples where such methods have been effective in opposing aggression, repression, and oppression, such as popular insurrections against Latin American dictatorships (Parkman 1990), resistance to the Soviet-led invasion of Czechoslovakia in 1968 (Skilling 1976; Windsor and Roberts 1969), collapse of Eastern European regimes in 1989 (Randle 1991), and toppling of Serbian dictator Slobodan Milosevic in 2000 (see generally Ackerman and Duvall 2000; Cooney and Michalowski 1977; Crow, Grant, and Ibrahim 1990; McAllister 1991; McManus and Schlabach 1991; Semelin 1993; Zunes 1999).

Generalizing from these and many other examples, Sharp (1973: 449-814) developed a model for the dynamics of nonviolent action. Its stages include preparation for nonviolent action, a challenge that brings on repression, solidarity and discipline in the face of repression, political jiu-jitsu, and redistribution of power. Sharp recognizes that not every stage will be involved in every case and in particular that political jiu-jitsu will not be involved in every nonviolent struggle.

When violence is used against nonviolent opponents, this tends to evoke sympathy and support for the nonviolent

group and undermine support for the attackers. This process Sharp (1973: 657-703) calls political jiu-jitsu, an expansion of the concept of "moral jiu-jitsu" (Gregg 1966) that, following Gandhi, emphasized the psychological transformation brought about in attackers by disciplined nonviolent resistance. It can be illustrated by some famous instances. On January 9, 1905, hundreds of peaceful protesters in St Petersburg, Russia, were shot down in what became known as Bloody Sunday, generating outrage throughout the country and undermining support for the Czar (Harcave 1964). On March 21, 1960, South African police shot into a crowd of protesters, killing perhaps a hundred people, in what became known as the Sharpeville massacre, causing worldwide outrage against the apartheid regime (Frankel 2001). Some of the Sharpeville protesters had thrown stones but not caused serious injuries; it was the disproportionate response of the police that galvanized world opinion and led to economic sanctions. In 1998, Indonesian police opened fire on protesting university students, killing several. This act inflamed popular opinion against the Suharto regime and was a key to its downfall not long after (Forrester and May 1998).

This notion of outrage parallels Sandman's (1987) concept of "outrage" in the field of risk perception and risk communication. Sandman enumerates factors, such as voluntariness, control, fairness, memorability, and dread, that cause the physical hazard of a risk to be multiplied in the eyes of those facing the risk. The risk perceived by an observer then becomes the sum of the mathematically calculated hazard plus a component of "outrage," which represents this string of factors perceived by the beholder. In the same sense here, the potential for "outrage" raises the perceived risk of pursuing certain strategies, such as violence.

Sharp says that political jiu-jitsu operates "among three broad groups: 1) uncommitted third parties, whether on the local scene or the world level; 2) the opponent's usual supporters, and 3) the general grievance group" (Sharp 1973: 658). The key in each case seems to be a perception of injustice (Moore 1978): people are moved by the spectacle of a person suffering under an attack yet not hitting back. This evokes sympathy among previously neutral onlookers, weakens unity among the attacking group, and stimulates greater support among the grievance group.

This mobilization of support is not universal: for example, some opponents may be hardened in their opposition. The increase in sympathy is an empirically observed tendency, not an automatic process.

If the grievance group is seen to have a just cause - suffering

unfair discrimination or denial of human rights, for example - that alone can generate support. Political jiu-jitsu is a process in addition to this, generated by the struggle itself. Observers may disagree with the cause advocated by a protester but if the protester is beaten or shot while behaving peacefully and respectfully, this procedural injustice can generate sympathy or outrage.

Even a small amount of violence by the grievance group can undermine this dynamic, which explains why governments employ agents provocateurs to foment violence by opposition groups. The Palestinian-Israeli struggle illustrates how violence can undermine support for a challenging group. For many years, the Palestinian Liberation Organization used terrorism with little success. Then in 1987 the first intifada erupted spontaneously. It was unarmed and largely nonviolent, allowing and encouraging much greater Palestinian participation, producing much greater international sympathy and dividing Israelis. Arguably, the first intifada (ending in 1993) could have been even more effective had it been entirely nonviolent (Dajani, 1994; Rigby, 1991). In the second intifada starting in 2000, Palestinian suicide bombings have played a prominent role. From a nonviolence point of view, these bombings have been completely counterproductive, especially by hardening Israeli attitudes against the Palestinian cause. Even though many more Palestinians than Israelis have been killed in the second intifada, many observers simply see a struggle with violence on both sides. Political jiu-jitsu is far less effectively invoked in such a circumstance.

Nonviolence research commonly focuses on actions, such as rallies, vigils, strikes, and sit-ins, that are in the "public arena," in situations where the adjective "nonviolent" refers to absence of physical violence by the activists and where force or physical violence may be and often is used by opponents against activists, such as arrests, imprisonment, beatings, and killings. Indeed, central to the standard image of the nonviolent activist is putting one's body on the line, even though many methods, such as boycotts, involve a withdrawal rather than a presence. The upshot is that nonviolence theory and practice have tended to be restricted to particular types of action, especially those where activists are physically present in public spaces. Nonviolence researchers have given little attention to struggles inside organizations. In order to apply the concept of political jiu-jitsu to organizations, then, it must be broadened beyond its ties to physical bodies protesting in public spaces and confronted by physical violence.

## **Whistleblowing as a threat**

The key action taken by whistleblowing employees is speaking out. This might be reporting corrupt practice to a superior or alerting a journalist to public hazards. Sharp's catalogue of



methods of nonviolent action includes some types of speech, such as public speeches, letters of opposition or support, signed public statements, petitions, leaflets, and newspapers. Since these sorts of action are routine in liberal democracies, they are normally labeled "nonviolent action" only when they are not routine, such as a dissenting public speech in Nazi Germany. Therefore, actions by whistleblowers would seldom be classified as "nonviolent action" by the usual definition.

Nonetheless, managers often appear to be deeply threatened by whistleblowers, who are subject to severe reprisals, including ostracism, petty harassment, threats, punitive transfers, referral to psychiatrists, formal reprimands, demotion, and dismissal. Management's response, when perceived as excessive, can generate sympathy for the whistleblower. Many observers see an injustice when a lone individual reports a problem that needs fixing or investigation and management responds with a massive attack on the credibility, working conditions, and livelihood of the individual. Political jiu-jitsu inside organizations will be called here organizational jiu-jitsu, which can be considered a subset of all types of political jiu-jitsu.

Prominent whistleblower cases seem to fit this pattern. After Ralph Nader exposed auto safety problems in his book *Unsafe at Any Speed*, General Motors put him under surveillance and attempted to undermine his credibility. Public exposure of these underhanded tactics generated visibility and greater support for Nader (Whiteside 1972). A. Ernest Fitzgerald (1972, 1989) blew the whistle on massive cost overruns in U.S. Defense Department contracting and came under sustained attack, including being dismissed. His revelations and experiences triggered widespread consternation and generated support, especially in Congress, that led to some degree of success. After Daniel Ellsberg made public the secret documents that became known as the Pentagon Papers, he was indicted by the US government and faced 12 felony charges; the attacks on Ellsberg eventually backfired against the government and helped lead to President Richard Nixon's resignation (Ellsberg 2002).

Hugh DeWitt is a physicist who worked at the Lawrence Livermore National Laboratory, where nuclear weapons are designed, though DeWitt did only non-military physics research. He was also a vocal critic at times, writing articles, giving testimony, and speaking to journalists, for example in openly criticizing the lab managers' opposition to a comprehensive nuclear test ban. When DeWitt came under fire at the lab for his statements, he was able to mobilize support from a wide range of public figures outside the lab, causing the managers to back away. In effect, he was sufficiently well known and respected outside the lab so that attempts to muzzle him were likely to generate even greater publicity for his ideas and his plight. As a result, he was left alone by management most of the time. This suggests that lab bosses were quite aware that attacking DeWitt could backfire: in other words, the prospect of organizational jiu-jitsu helped to deter attacks.

In most Hollywood portrayals of whistleblowers, such as policeman Frank Serpico, nuclear industry worker Karen Silkwood (in films named after them) and tobacco industry scientist Jeffrey Wigand (in *The Insider*), the sympathies of the film producers and audiences are clearly with the dissident employee. No doubt this is partly sympathy for the underdog, but the perceived unfairness of heavy-handed attacks on dissident employees surely plays a role.

## Organizational jiu-jitsu: use and inhibition

Much can be learned about organizational jiu-jitsu by careful dissection of exemplary cases to identify strategies undertaken by managers and a range of responses undertaken by whistleblowers. One can see the power that each side wields, particularly in an interplay of public revelation versus confidential discussion or attempts at cover-up, denial, and secrecy. In fact, the "dance of dissent" seems to revolve around this public-private distinction as much as it is fueled by misbehavior, real or perceived.

The whistleblowing cases that have been mentioned here are atypical in their high visibility. Most whistleblowers neither seek nor receive publicity or even support from coworkers, which means that there is no direct way to observe the role of organizational jiu-jitsu. The relevance of organizational jiu-jitsu to these lower-profile cases - by far the most common type - can be assessed indirectly by examining ways by which managers can inhibit this process and by which whistleblowers can mobilize it. That is, by observing the tactics of the contestants in the game, we can make inferences about the "rules," namely the central dynamic.

Managers may sincerely believe that the employee who speaks out is a self-serving malcontent who deserves no sympathy but still realize that reprisals, if too blatant, may backfire. Ill-judged and poorly justified attacks may trigger support for the employee among fellow workers or union officials, bring matters to the attention of outside authorities, or cause splits in management itself.

Note that there are potentially two injustices involved. One is the matter raised by the employee, for example favoritism in appointments or cheating of clients. The other is the attack on the whistleblower, seen as unjust when it is out of all proportion to the employee's action. Even those who disagree with the employee's allegations may be upset or outraged by the attack.

How, then, can the potential triggering of organizational jiu-jitsu be inhibited? Here we look at several methods that managers have used that prevent or reduce the operation of organizational jiu-

jiu-jitsu, in each case considering countermeasures by the whistleblower and how these square with advice from whistleblower organizations.

The classic advice manual for whistleblowers was *Courage Without Martyrdom* (Stewart, Devine and Rasor 1989), produced by the Government Accountability Project (GAP), a US group that does advocacy work for whistleblowers. An updated version titled *The Whistleblower's Survival Guide* was written by GAP's legal director, Tom Devine (1997). The recommendations in these manuals are largely in accord with those presented by other experienced whistleblower advisers (Lennane, 1996; Martin 1999a), suggesting that those who assess hundreds of whistleblower stories often end up giving the same sorts of advice.<sup>[1]</sup> In the following, for convenience, reference will usually be made to advice given by Devine (1997).

Established whistleblower support groups exist only in Australia, Britain and the US, and most individuals with extensive experience advising whistleblowers are from these countries. Consequently, our assessments concerning organizational jiu-jitsu apply most obviously to these countries; further testing is needed to determine the wider relevance of our approach.

### ***Method 1: Denial of organizational problems***

Organizational jiu-jitsu will be most powerfully invoked when there is a clear perception of injustice. The injustice can be corruption or other problems in the organization, the treatment of the whistleblower, or both. Of the various ways to inhibit organizational jiu-jitsu, most involve creating different perceptions of what is going on. Though the evidence and its interpretation may seem clear-cut to the employee, there are numerous ways for management to promote its preferred view.

If management did not need to worry about perceptions and their repercussions, it could make an announcement such as "Top management has been running several scams for years, at the expense of workers and customers. Employees X and Y have complained in public about this and hence have been dismissed." Such an open admission is rare, to say the least. Its very rarity is testimony to the desire by managers to manage perceptions (Jackall 1988).

Do managers actually believe their claims of good practice, innocence of corruption, and the like? Studies of lying and self-deception suggest that corrupt managers see what they are doing as legitimate within the system where they work as they perceive it, though they may be aware that others see things differently (Barnes 1994; Robinson 1996). Jackall (1988), in his anthropological study of executive life in corporations,

investigated how managers and coworkers perceived reprisals against whistleblowers, finding that most stated that whistleblowers deserved what they got because they were not playing the corporate game according to the rules. In any case, what managers actually believe they are doing is not central to the analysis here; it is sufficient to analyze actions taken and to perceive them as rationally conceived strategies that have some consistency across organizations.

The observed fact is that managers almost always deny any wrongdoing. The whistleblower's allegations about organisational problems typically are ignored, dismissed, or attacked. This is the first component of official denial.

To counter this response, whistleblowers need ironclad evidence, such as documents revealing the problem. Devine (1997: 14-22) lists "twelve basic survival strategies." Point 7 is "Identify and copy all necessary supporting records before drawing any suspicion to your concerns." Gathering large amounts of evidence is repeatedly emphasized in advice to whistleblowers. Collecting evidence is important not only to counter denials but because officials may destroy or hide evidence. The massive shredding of documents at Enron is only one of many examples (Cox and Wallace 2002).

### ***Method 2: Denial of reprisals***

The second component of official denial is to deny that any reprisals have been visited on the employee who speaks out. The employee may be reprimanded, referred to psychiatrists, transferred, given little work or too much work, demoted, or dismissed. Normally management justifies such official actions by claiming that the employee is a "difficult personality," incompetent, inadequately trained, or has made some serious error. It is not unusual for an outspoken employee's file to be scrutinized and old complaints or allegations pulled out - sometimes from many years earlier - and used to justify actions. A different approach for management is to claim that actions taken, such as layoffs or changes in duties, are not targeted at the employee in question.

Devine warns whistleblowers about these sorts of tactics. He lists a range of reprisal techniques (Devine, 1997: 28-39):

- Spotlight the whistleblowers, not the wrongdoing: employers "obfuscate the dissent by attacking the source's motives, credibility, professional competence, or virtually anything else that will work to cloud the issue." (p. 28)
- Build a damaging record against them: employers may spend months or "years manufacturing a record to brand a whistleblower as a chronic problem employee who has refused to improve." (p. 31)

- Threaten them into silence, such as, "You'll never work again in this town/industry/agency..."
- Isolate or humiliate them: the whistleblower is separated from colleagues or given trivial, low-level duties.
- Set them up for failure by assigning jobs that cannot be done properly with the resources available.
- Prosecute them for "stealing" evidence about misconduct.
- Physically attack them.
- Eliminate their jobs or paralyze their careers through "reorganizations" or denying promotions.
- Blacklist them to make sure they will never work again in their fields.

Most of these techniques seek to blame the employee for misfortunes suffered. For example, "spotlighting the whistleblower" is an attempt to say that management is taking legitimate actions for dealing with the employee's shortcomings. The only responses that do not fit this pattern are threats, isolation and humiliation, and these are seldom used by themselves: isolation, for example, might be justified by the employee's allegedly poor record.

By providing justifications for its actions, management can inhibit organizational jiu-jitsu. To counter this, whistleblowers have to demonstrate - desirably, to sympathizers, opponents, and neutral observers - that management's actions are illegitimate. Devine and others recommend collecting evidence of satisfactory performance, such as supervisor's reports before the whistleblowing and reprisals. Most importantly, Devine seeks to warn potential whistleblowers to be prepared for the standard management techniques.

### ***Method 3: Attack the whistleblower***

Another way for management to act against whistleblowers is with subtle harassment, such as withdrawal of routine perks such as convenient shifts or access to a company car, lost documents, delays in processing applications, and a host of other minor things that are specific to the job. Often it is very hard for outsiders to understand the significance of such matters, although they can make a big difference to the quality of working life. There is no easy way to expose these forms of harassment, and the best response often is to avoid reacting excessively and giving management a pretext for labeling the employee as the problem. Devine (1997: 16) says to "Maintain good relations with administration and support staff."

Perception management is nothing new. In confrontations during the 1930 Salt Satyagraha led by Gandhi, nonviolent activists did not resist or flee when they were brutally assaulted by police. Instead, new protesters walked forward to accept beatings. Many of them were seriously injured and taken to hospital. The British

government attempted perception management by claiming that protesters were faking their injuries in order to gain sympathy. This government lie was exposed by independent journalists who witnessed the dramatic confrontation (Weber 1993).

The most important consequence of political jiu-jitsu is to generate greater support for the protesting group, including from observers, among the grievance group, and among the opposition (management in this case). But political jiu-jitsu is only one way for generating greater support. It can also be done in a more direct fashion, through standard techniques of organizing (Alinsky 1971; Fisher 1984). The importance of building support is recognized by whistleblower groups. Point 3 of GAP's twelve survival strategies is "Be alert and discreetly attempt to learn of any other witnesses who are upset about the wrongdoing," and point 8 is "Research and identify potential allies, such as elected officials, journalists or activists who have proven their sincerity and can help expose the wrongdoing" (Devine 1997: 14-15, 19-20).

From the point of view of bureaucracies as authoritarian political systems, a whistleblower is analogous to a lone dissident openly opposing a repressive regime, as in the case of some Soviet dissidents. Such individual opposition is undoubtedly courageous and can be potent symbolically but it is unlikely to bring about change unless others join in forming an opposition movement. Similarly, isolated whistleblowers are little threat to management power unless others can be induced to take some form of action. Devine (1997: 19) says that "Whistleblowers are most often successful when they communicate their message to those citizens who will benefit from their disclosures; when whistleblowers remain isolated, they are more likely to lose."

If management responds by attacking the whistleblower, this runs the risk of generating greater opposition through organizational jiu-jitsu. Yet if the whistleblower is not discredited or shut up, there is a risk that others may feel empowered to speak up or act. This dilemma for management replicates the dilemma for rulers when faced by disciplined nonviolent activists. Acquiescence to the protesters' demands can allow them to further build strength, whereas attack can boomerang against the attackers.

#### ***Method 4: Use official channels***

Management has another option that can serve to circumvent both these paths: to encourage the use of "official channels" that shunt the whistleblower through tortuous administrative procedures that inhibit building of support. In the US, some standard official channels are federal hotlines, corporate voluntary disclosure programs, inspectors general, the Office of the Special Counsel, Congress, the False Claims Act, and whistleblower laws. Some other avenues, more common in Australia, Britain, and Canada,

are ombudsmen, auditors-general, anti-corruption commissions, and royal commissions.

Using official channels is often extremely attractive to whistleblowers, many of whom believe in formal procedures: that is often why they speak out in the first place. They usually do not anticipate the antagonistic response to their disclosures, a response that threatens their very sense of self (Alford 2001). Reflecting their belief in the existence of justice, they turn to one or more of the many appeal bodies, perhaps making a submission to an ombudsman, contacting a politician, and launching a court case.

To assess this strategy in terms of organizational jiu-jitsu, it is necessary to ask, does taking a case to an official body invoke concern or outrage due to a perception of disproportionality between the employee's action and the response of the employer? The answer is that using official channels usually dampens or erases the potential for outrage, because these channels are widely seen as fair and independent. Instead of the struggle being between a truth-speaking employee who is victimized by a powerful employer, the matter is transformed into a dispute seemingly being adjudicated independently and fairly, in which the parties in contention are on something close to an equal footing. Using official channels, then, is likely to inhibit organizational jiu-jitsu.

This is compatible with recommendations by experienced whistleblower advisers, which range from advice to use official channels with caution to advice to beware of them. A blanket recommendation would be inappropriate, since different channels offer different prospects of success. What is startling to those new to the area is how poorly whistleblowers fare when using official channels.

More than half of *The Whistleblower's Survival Guide* is a systematic assessment of different US official channels, beginning with those "that often have proven to be a threat rather than a resource for whistleblowers" (Devine 1997: 50). Using federal hotlines, for example, often damages the whistleblower, for example when the Inspector General breaches confidentiality by sending the information to the whistleblower's supervisor, leading to reprisals. Devine (1997: 51) says that "hotlines are in most cases worthless at best." Similarly, making a disclosure to the Office of the Special Counsel "is likely to be unproductive or even counterproductive" (Devine, 1997: 69). Even when using channels that give better odds of success, Devine recommends doing considerable investigation and being very cautious, since there are so many pitfalls. Miethe (1999: 147-148) comments that "Unfortunately, most legal protection for whistleblowers is illusory; few whistleblowers are protected from retaliatory actions because of numerous loopholes and special conditions of these laws and the major disadvantage that individual plaintiffs have against corporate defendants."

Martin (1999a) says that official channels always narrow the issues and transform the victim's experience into an administrative and technical matter. The reason these channels are so unsupportive of whistleblowers is that they were either set up by employers or have insufficient power, money, or authority to tackle powerful organizations. Whistleblowers who use official channels "may be worse off, since they have the illusion that help is available, and this may delay or deter them from taking other, more effective action" (Martin, 1999a: 53-54).

This advice accords with evidence about whistleblowers' experiences. De Maria and Jan (1996), in a major study, found that whistleblowers reported being helped by official channels in less than one out of ten approaches and were harmed by them on many occasions. This finding confirms the observations of Devine and others who have heard the stories of hundreds of whistleblowers.

Some official channels are so compromised that advisers recommend avoiding them. An example is the Office of the Special Counsel, nominally set up to support whistleblowers but in practice becoming their opponent in most cases (Devine and Aplin, 1988).

When appealing to official channels, the "audience" is often just a few people, such as a judge, severely limiting prospects for generating greater support. An alternative course of action is to seek to gain a wide audience through publicity. Devine (1997: 82) recommends using the news media, though with suitable understanding and preparation, commenting that "None of the success stories listed at the beginning of this handbook could have occurred without the active role of the media." Similarly, Martin (1999a: 73-106) recommends the strategy of "building support." This approach is fully in accord with political jiu-jitsu, which operates by mobilizing greater support for the challenging group.

Most whistleblowers never get started on the process of mobilizing support. Some are totally destroyed, both psychologically and in terms of career, by their experiences. Others pursue official channels in an unending quest for justice that can last for decades. For quite a few, the best that this can offer is a legal settlement, with a monetary pay-out that seldom compensates adequately for years of expense and anguish. Most settlements include a silencing clause: the whistleblower is expected to agree not to speak about the matters in dispute, not even about the details of the settlement itself, including the silencing clause. In many cases, no settlement will be offered unless a silencing clause is included. This provides one last indication of the desire of managers to inhibit wider mobilization of support.



## Conclusion

The basic idea of political jiu-jitsu, as applied to organizations, is that management attacks on dissident employees can backfire if observers perceive that this is unfair. Using this approach to analyze organizational struggles leads to tactics for whistleblowers that are very much in tune with recommendations from experienced advisers of whistleblowers. Standard management tactics against whistleblowers - denials, cover-ups, attacks, and encouraging employees to use official channels - can be interpreted as ways of inhibiting or sidestepping organizational jiu-jitsu. To maximize the prospect of invoking organizational jiu-jitsu, employees should:

- exhaustively document their claims and their own work performance, to counter denials and destruction of evidence;
- document attacks by management, to mobilize support;
- ensure that their message is communicated to allies, opponents, and independent observers;
- be wary of official channels, which may inhibit mobilization of support by diverting effort and giving the impression that justice will be served.

These recommendations are in accord with advice in whistleblower manuals such as Devine (1997) and Martin (1999a). The main difference is that these manuals are more open to using official channels than might be suggested by an exclusive focus on invoking organizational jiu-jitsu. Even this difference is not as significant as it may seem. Official channels can be used in tandem with mobilizing support: for example, making a submission to an agency can be a hook for media coverage, and popular expressions of concern sometimes influence official bodies to act with greater alacrity and fairness.

It is also important to remember that political jiu-jitsu is only one component in the wider dynamics of nonviolent action. Gandhi, for example, always attempted to engage opponents in dialogue before launching nonviolence campaigns and would call off actions in order to resume dialogue, especially when reforms were promised. Although Gandhi's shrewd political judgment was far from infallible, the point here is that nonviolence theory does not provide a detailed guide to practice, as practice inevitably must be informed by practitioners' understandings of local politics, options, and risks. Similarly, organizational activists will never find a blueprint for action in any theory. What can be said, on the basis of the analysis here, is that nonviolence theory can be fruitfully applied to organizational struggles and, in particular, that the concept of organizational jiu-jitsu has proven useful in guiding action, both as an implicit theory-in-use (Argyris and Schoen, 1978) and as illuminated in terms of academic theory in our analysis.

Assuming that organizational jiu-jitsu is indeed a key potential

dynamic in organizational struggles, then it is possible to derive a range of additional recommendations. From a dissident's point of view, actions should be taken that will make any attack by management as counterproductive as possible. Some possible conclusions are:

- always act in an exemplary fashion - for example, be polite and supportive of colleagues - to increase the chance that an attack is seen as unwarranted;
- be open about one's actions, to counter any possible claims about nefariousness (especially given that spreading rumors about dissidents is a standard tactic);
- choose forms of action that allow safe participation by others - such as petitions signed by people outside the organization - to increase the counterproductiveness of reprisals;
- always consult carefully before acting, to gauge how people will respond to both the action and possible management responses.

These sorts of recommendations are widely adopted by nonviolent activists (Coover et al., 1981; Hengren, 1993), who routinely advocate behaving in respectful ways, being open, and fostering participation in actions and in decision making. So it is not surprising that they also would apply to organizational struggles.

Managers can also learn from an analysis in terms of political jiu-jitsu. This is not to recommend that managers seek better ways to destroy whistleblowers; rather, managers have to contend with disgruntled or malicious employees, some of whom don the mantle of whistleblower. One lesson from organizational jiu-jitsu is that a blatant attack on an employee, no matter what the employee has done, runs the risk of alienating support or even creating a martyr. Ways for management to maximize support by honest action include:

- deal with an employee's allegations rather than attacking the employee;
- be as open as possible in dealing with complaints, within the constraints of confidentiality;
- take actions that will be perceived as proportional to or less harsh than any transgression by the employee;
- avoid attempting to silence the employee, as this invokes perceptions of procedural injustice.

If an employee launches a spiteful attack that can be publicly recognized as inaccurate and the employer responds with restraint and dignity, this is likely to undermine support for the employee - a reversal of the usual organizational jiu-jitsu. Such pragmatic strategies suggest that greater understanding of organizational jiu-jitsu by both employees and managers can lead to more effective and principled action by all parties, so that "doing the right thing" can also achieve morally justifiable ends, a resonance between

deontological and utilitarian ethics.

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### **Note**

[1] The principal author has many years of experience in advising whistleblowers and working with whistleblower groups. The insights from this practical background are largely in accord with published advice manuals.