

The Responsibility to Lie and the Obligation to Report

Bonhoeffer's "What Does It Mean to Tell the Truth?" And the Ethics of Whistleblowing

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Published online: 23 January 2013
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Abstract This article is an examination of the moral complexity of the act of whistleblowing in the context of corporate corruption. Whistleblowing may be a morally admirable act undertaken by morally ambiguous agents, but can only be fully understood in context. Using German theologian Dietrich Bonhoeffer's essay "What Does It Mean to Tell the Truth?" This essay will examine how the kind of deception sometimes necessary in whistleblowing cases can be testimony to a larger and more profound truth.

Keywords Whistleblowing · Jeffrey Wigand · Mark Whitacre · Dietrich Bonhoeffer

Introduction

Whistleblowing is an ethically complex act that involves several different overlapping understandings of obligation, honesty, loyalty, and duty.¹ While whistleblowers are often—with justification—portrayed as being heroic figures in the news media and popular culture, the decision to engage in whistleblowing is not an act of pure unvarnished moral righteousness. Rather, it involves the evaluation of competing moral claims on one's identity and action, and a decision to act in ways that honor one set of moral obligations at the expense of others. That this decision is often justifiable on the basis of the larger question of the public interest does not make it any less morally ambiguous from the point of view of the person undertaking the act.² As Lars Landblom (2007) argues:

The debate on morality whistleblowing centers on the conflict between the duty of loyalty to the firm or organization in which one works and the liberty to speak out against wrongdoing. This is the moral dilemma of whistleblowing. This dilemma comes about because we tend to think, like Beauchamp and Bowie, that "[e]mployees have both legal and moral obligations to be loyal to their employers" (1988, p. 262), and simultaneously hold that we should be free to do our part in stopping immoral or dangerous practices. (Landblom 2007, p. 415)

Yet, the conflict between loyalty and liberty represents only one dimension of the larger set of moral conflicts inherent in the decision to blow the whistle on corrupt corporate practices. Participation in any organization is constituted by a whole body of at least *prima facie* moral obligations, which are called into question by the whistleblowing act. Jensen (1987) breaks down the ethical tension points in whistleblowing into two general categories: Procedural and substantive (1987, p. 322). Procedural questions relate to matters such as the seriousness of the potential offense and the quality of the whistleblower's information, as well as such matters as the motives of the whistleblower and the

¹ One challenge in any discussion of whistleblowing is defining the term itself. While no definition is perfect, for the purposes of this paper, I will assume the definition articulated by Jubb (1999): "Whistleblowing is a deliberate non-obligatory act of disclosure, which gets onto public record and is made by a person who has or had privileged access to data or information of an organization, about non-trivial illegality or other wrongdoing whether actual, suspected or anticipated which implicates and is under the control of that organization, to an external entity having potential to rectify the wrongdoing."

² For discussion of some of the ethical tensions inherent in the act of whistleblowing, see Landblom (2007), Jensen (1987), Larmer (1992), and Mesmer-Magnus and Viswesvaran (2005).

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timing of the act. Procedural questions may be thought of in essentially prudential terms—they deal with judgments as to the effectiveness of the whistleblowing act in a particular time and place, in light of a particular set of circumstances.

Substantive questions, as Jensen notes, can be considerably more ethically agonizing:

A nurse, for example, agonizes over whether to blow the whistle on what she feels are seriously inadequate practices in her health care unit of the hospital. She realizes an obligation to the patients, to her peers, to her supervisors, to the medical profession, to the hospital administration, to her own self-worth, to the general public, and to “the truth.” How can she balance all of these loyalties and commitments when they begin to conflict? Usually they exist together with no problem, but conditions warranting whistleblowing usually mean that some of these loyalties are now battling each other. Which will take precedence in that particular situation? Where in that mix of loyalties does one’s priority fall? Which loyalties will have to be sacrificed, or at least set aside temporarily? (Jensen 1987, p. 324)

Ethical analysis of moral conflicts is often resolved either by consequentialist appeals to the greatest good, or by attempts to rank moral obligations according to some understanding of their relative weight on the moral scale. As important as such attempts are, however, they tend to obscure the tragic dimension of moral conflicts. In other words, by attempting to treat the conflict as a problem capable of a rationally consistent and universalizable solution, they fail to give proper attention to what gives rise to the conflict in the first place—the tension between two deeply held and subjectively binding sets of obligations, neither of which can be let go by the agent without some moral sacrifice. It is not that, in blowing the whistle, one chooses between an ethical path and an unethical path, but rather one chooses between two different ethical paths, both of which one experiences as binding, and in choosing, one *must* act unethically according to one of those paths.

In order to analyze the moral questions at stake in the act of whistleblowing, I will examine two prominent examples of corporate whistleblowing, with particular attention to the motivations and decisions of the central actors in those cases. I will then consider the position articulated by Dietrich Bonhoeffer in his essay fragment “What Does It Mean to Tell the Truth?” in which he examines the contextual nature of truth telling and considers the possible appropriateness of lying under certain circumstances. I will then extend his argument to consider the question of conflicting loyalty in the context of corporate whistleblowing, finally returning the central question of how it may be possible to adjudicate between competing moral claims in situations where corporate corruption and malfeasance

requires moral actions by employees that may violate their group obligations to the company, and their sense of loyalty to their peers.

Whistleblowing: Two Case Studies

I begin with two case studies. These cases have been widely examined and reported on, and both have been made into big-budget Hollywood movies, with their protagonists portrayed by marquee actors. While substantially different in their details, both cases reveal the moral complexity involved in the whistleblowing decision.

The first case is that of Jeffrey Wigand, the former Brown & Williamson tobacco researcher who in 1993 blew the whistle on the cover-up by the tobacco industry of research proving the harmfulness of tobacco smoke. (Brenner 1996) Wigand was widely vilified by the tobacco industry, and the initial report of his work by 60 Minutes was quashed by threats of a lawsuit against CBS.³ However, when the report was ultimately aired, it provided devastating evidence that the tobacco industry had known for decades that its products caused cancer and a raft of other health effects in smokers. The documents demonstrated that industry leaders had known this for years, and yet testified repeatedly, often under oath, to the contrary. In the wake of Wigand’s revelations, it became impossible for tobacco companies to claim any longer that their products were not harmful.

While Wigand’s actions were in many regards admirable, and undertaken at great cost to himself, they were by no means morally unambiguous, and Wigand himself is a morally complex figure. As Marie Brenner notes, “the anti-tobacco forces depict Jeffrey Wigand as a portrait of courage, a Marlon Brando taking on the powers in *On the Waterfront*. The pro-tobacco lobbies have been equally vociferous in their campaign to turn Wigand into a demon, a Mark Fuhrman who could cause potentially devastating cases against the tobacco industry to dissolve over issues that have little to do with the dangers of smoking.” (Brenner 1996, p. 5) Leaving aside the allegations made against him by his former employers, who attempted to paint him as feckless and profoundly dishonest, there are other questions of group loyalty and obligation that need to be considered when evaluating the moral implications of his actions.⁴

³ Among the tactics used against Wigand was the production of a 500 page dossier which purported to demonstrate that Wigand was an unstable and unreliable witness. See Hwang and Geyelin (1996).

⁴ As regards the allegations made against him by his employers, Brenner notes that the publicist responsible for the most damaging allegations was investigated by the Department of Justice on charges of witness intimidation (Brenner 1996, p. 5).

Wigand was hired as Head of Research and Development by Brown & Williamson Tobacco in 1989, ostensibly to participate in the development of safer, low-tar cigarettes to compete with other brands on the market. (Brenner 1996, pp. 8–9) He quickly came to realize that the job was not what he expected. However, the \$300,000 salary and his belief that he was hired to pursue the development of safer tobacco products kept him in the job for several years.

From the beginning, Wigand recognized that B&W did not have the personnel or technology in his department to do the kind of research necessary to produce safer products: “There was neither a toxicologist nor a physicist on staff ... How, he thought, could you be serious about studying the health aspects of tobacco or fire safety without the proper experts?” (Brenner 1996, p. 9) He was also being advised by legal experts to avoid, contrary to scientific practice, keeping any notes or documentation that could prove damaging to the company in litigation, while lawyers “sometimes edited scientific information on additives.” (Brenner 1996, p. 9).

Wigand found himself increasingly in conflict with B&W management over the company’s practices and agenda. Information to which he should have had access as head of R&D was withheld from him, including studies demonstrating the adverse health effects of nicotine. (Brenner 1996, p. 10) During this time, he began to keep an extensive diary documenting much of what he had uncovered about the company’s practices, though when he was fired in 1993, his diary was never returned. (Brenner 1996, p. 10) As part of his severance package, Wigand signed a life-long confidentiality agreement that required him not to discuss Brown & Williamson in any way. (Brenner 1996, p. 17) When he began to work as a consultant for anti-tobacco groups and journalists attempting to report on the story, he initially sought to operate within the terms of the agreement, but eventually was persuaded by *60 Minutes* producer Lowell Bergman to go on record about his experiences.⁵

⁵ Brenner (1996, p. 21) much of the subsequent drama surrounding the story centered on the controversy within CBS about whether or not to run the story, given the possibility of lawsuits as well as other considerations. The details, while fascinating in their own right, are peripheral to the basic moral question at stake, namely the conflict between Wigand’s responsibilities as a former employee of B&W and his obligations to the larger public as a whistleblower. It does bear noting however that much of Brenner’s piece centers on the hardball tactics used by Brown & Williamson to silence Wigand, and the role that those tactics played in his ultimate decision. She summarizes the perspective of one of her interviewees, Jack Palladino, as follows: “For Palladino, there is little about Wigand that reminds him of Edmond Safra, the banker—and the client of Stanley Arkin—he worked for who was also the victim of a smear. Safra was motivated by a sense of moral outrage, Palladino tells me, whereas Wigand’s level of tension is a sign of pure fear” (Brenner 1996, p. 31).

There are legitimate questions of whether or not Wigand and other whistleblowers have any moral obligations to hold in confidence things that they learn in the context of corporate deliberations that are intended to be secret. In the same vein, to what degree is it a violation of his obligation to his employer to leak documents that are intended to be understood as work product and thus the property of the company that owns them? To what degree was Wigand bound by contractual obligations to maintain confidentiality or honor non-disclosure agreements?

One strand of moral reflection on such questions would answer that, to the extent that Wigand’s actions had the consequence of exposing the deception of the cigarette industry, and thus revealing the actual harm that they knew cigarettes to cause, Wigand’s actions could be morally justified as producing an overall greater good.⁶ Another strand of thinking would argue that we are not in fact bound in any circumstances to honor promises that result in harm to others, even if the act of promising itself is understood to carry with it a strong conception of moral obligation.⁷ The content of the promise matters, and one cannot be morally bound to honor a morally objectionable promise.

Then there is a strand of moral thinking that would argue that Wigand was in fact unconditionally bound by his promises, irrespective of their consequences.⁸ Under this interpretation, while Wigand may not have been obligated to continue acting on behalf of Brown & Williamson once he knew for a fact that they had been engaged in harmful deception, he was bound by the promises and contracts that he had undertaken to refuse to disclose that information which he had promised to keep secret.

There are arguments to be made for each of these positions. They each take seriously one aspect or another of the situation in which the whistleblower finds him or herself. A consequentialist argument would recognize the obligation that all moral agents have to maximize benefits or reduce harms when it is within their power to do so. The failure to take the harm done through our action or inaction into account would render any moral theory dubious at a minimum. On the other hand, if a consequentialist argument requires us to disregard our promises, then the very act of promising is potentially rendered meaningless, as any promise can be broken at any time if the agents considers

⁶ For a recent discussion of consequentialist moral theory, see Mendola (2006).

⁷ For some recent discussions of the ethics of promising, see Patterson (1992) and Conee (2000).

⁸ One could argue that promise-making is a foundational example of an illocutionary act, a performative utterance the declaration of which brings about a particular state of being. Thus, the act of pledging loyalty to his employers brought about a set of obligations in Wigand that would otherwise have not existed. But, existing, such a pledge is by its nature binding. See Austin (1962).

the reasons sufficiently compelling. But if this is so, in what sense are we reasonably engaged in the act of promising?

When we consider whistleblowing in the abstract, it is relatively easy to view the actions of the whistleblower to be unqualifiedly admirable, as exposing a secret which was immoral to keep and revealing malfeasance the continuing concealment of which could cause great harm. But looking only at that dimension of the question obscures the cross-hatching pattern of obligations and commitments in which the whistleblower—as well as those who opt not to blow the whistle on corporate corruption—are enmeshed.

A more problematic case of whistleblowing is that of former Archer Daniels Midland executive Mark Whitacre. While Jeffrey Wigand is a morally complex individual in his own right, Whitacre raises a very different set of moral questions. As a whistleblower, he engaged in some genuinely admirable actions, yet, in the process of doing so, systematically lied, not only to his employer on behalf of the FBI, but also to the FBI as he embezzled from ADM in order to enrich himself. While he eventually confessed to his crimes and served time in jail, his actions substantially undermined the government's case against ADM.

Between 1992 and 1995, Whitacre worked as a cooperating witness in an FBI investigation of ADM, recording hundreds of hours of conversations between ADM executives and representatives of rival agricultural companies from around the world. (Eichenwald 2000) These conversations served as the foundational evidence in a price-fixing case against ADM, revealing that the company had “organized a scheme to steal hundreds of millions of dollars from its own customers.” (Eichenwald 2000, p. 7)

In order to help uncover ADM's criminal activity, Whitacre had to engage in a systematic campaign of deception and subterfuge directed toward his employer and colleagues who were in many cases also close friends. His cooperation with the FBI required him to create a false presentation of himself to those with whom he spent the bulk of most of his days. As colleagues carried on what they assumed to be private conversations, Whitacre was recording it all, even as he participated, laughed, joked, and told ribald tales along with them. His entire professional self-display was in this sense a lie. While pretending to be a colleague and co-conspirator, he was in fact a double agent, a spy.

There was a sense in which Whitacre seemed to relish the experience. He frequently volunteered information that the FBI was not specifically seeking, and took risks beyond those required of him by the investigation, often to the immense frustration of his FBI handlers. At the same time, the enormous stress of the experience took a great toll on him. His enthusiasm for helping the FBI was counterbalanced by moments of panic, while his demeanor at home became more withdrawn and eccentric. As Kurt Eichenwald writes:

It wasn't just his frequent absences anymore, or his repeated failure to attend family events or just come home for dinner. Those aspects of his behavior had almost become accepted in the household as a given. But now, even when he was home, he wasn't completely there. Mark seemed to be drifting through his family, with the detachment of a commuter waiting for a train to take him away.

But there was more. Ginger didn't understand it, but Mark had just become *weird*. Over the summer, they had built horse stables across the street, and Ginger loved to relax with an occasional ride. But Mark would disappear to the stables for hours, often not returning until 2:00 in the morning. Usually he would come home saying that he had been brushing the horses. *Brushing the horses for three or four hours?* Then, a few hours later, he would head for work. It just wasn't normal. He seemed to be getting almost no sleep. (Eichenwald 2000, p. 254)

Then there was the issue of the embezzling. On August 7, 1995, ADM fired Whitacre, accusing him of having embezzled more than \$2.5 million from the company. (Henkoff 1995) Whitacre claimed that this money was compensation that ADM had agreed to pay him. But his ever-changing story and repeated inconsistencies were extremely damaging to the government's case against ADM. In the end, the company was able to argue persuasively that Whitacre's actions amounted to embezzlement and money laundering. He eventually pled guilty to “charges of wire fraud, money laundering, conspiracy to defraud the IRS, filing false income tax return, and interstate transportation of stolen property”. (U. S. Department of Justice 1997) In his plea deal, he admitted to embezzling as much as \$9 million from Archer Daniels Midland. As Whitacre later explained to Kurt Eichenwald:

Shortly after arriving at the company ... he had heard rumors that some executives had engaged in corporate frauds – yet no one seemed to care. And indeed, just two years after Whitacre's arrival at ADM, the corporate treasurer left the company amidst allegations of financial wrongdoing, yet no criminal action was ever taken.

Stealing seemed to pose little risk of punishment. And so, Whitacre stole. “They're criminals,” he said. “What are they going to do if they catch me? How could they risk having a criminal case?” ...

The later multimillion-dollar thefts, he said, only came about when he believed the investigation was coming to a close. He feared that the case put his finances at risk and decided to steal more to protect himself. (Eichenwald 2000, p. 561)

This confession sums up much of the paradox of Mark Whitacre: it is both self-serving and morally self-aware; he recognizes on the one hand that what he was doing was illegal, but argues that he was justified because he was surrounded by a culture of corruption; and he finally attempts to exculpate himself on the grounds that the investigation launched as a result of his own revelations to the FBI so endangered his personal finances that he felt compelled to go for the big score while he still could. In all of this, however, it never seems to fully dawn on him how damaging his actions were to the very moral stand that he had so courageously taken in the first place—to become a whistleblower in order to expose a deep morass of corporate corruption. In the end, knowing where the lies end and the truth begins is the central challenge in understanding Mark Whitacre and his motivations.

Whitacre is a fascinating character on several levels. On the one hand, he approached the FBI voluntarily to inform them about ADM's corrupt practices (though only after having cajoled to do so by his wife), and then assisted the FBI in gathering information by wearing a wire to a series of meetings in which their price-fixing scheme was discussed. Over a period of 3 years he provided the FBI with hundreds of hours of tape validating the violation of U.S. law, not only by ADM executives but also by executives of several other firms. "With little obvious incentive, Mark Whitacre secretly recorded colleagues and competitors as they illegally divided the world markets among themselves, setting far higher prices for their products than free competition would allow." (Eichenwald 2000, p. 7)

At the same time, he had embezzled more than nine million dollars himself from ADM, lied extensively to the FBI in the aftermath of his discovery, engaged in bizarre behavior, and even went so far as to accuse the FBI of forcing him to destroy evidence. As a result, Whitacre wound up being the only subject of the investigation to spend any actual time in jail.

Whitacre's case brings up many of the same problems as the Wigand case, but adds the additional element of Whitacre's self-conscious deception of both his employers and the FBI. Yet, like Wigand and other whistleblowers, he did expose a significant case of corporate corruption and criminal activity. To some degree, his more obviously blame-worthy actions may be mitigated morally by mental illness and the pressure of working undercover for the FBI, but it is also possible to morally evaluate and distinguish between his deception of ADM on the one hand, and his deception of the FBI on the other, in order to gain a clearer understanding of what the morally problematic nature of the latter deception was. In order to aid in this, I will turn now to the work of the German theologian Dietrich Bonhoeffer.

Bonhoeffer on Responsibility, Truth Telling, and Lying

In Bonhoeffer's fragmentary essay "What Does It Mean to Tell the Truth?" he offers a telling illustration of the nature of truth telling and deception. Imagine he says, a circumstance in which a child is called out by his teacher in front of his class and asked if his father often comes home drunk (Bonhoeffer 2006, pp. 601ff.) The child, Bonhoeffer argues, would lie in order to protect his father, but in doing so, would actually be telling a larger and more significant truth, namely that the teacher has exceeded his authority in asking the question, and violated the sovereign moral sphere of the family. It is not for the teacher to ask such questions in such circumstances, and by saying no, the child affirms, in an inchoate way, the more basic and fundamental truth of his situation. As Bonhoeffer puts the matter:

Lies on the part of children and inexperienced persons in general can frequently be traced back to their being placed in situations that they cannot fully fathom. For this reason it is questionable whether it makes sense to generalize and extend the concept of lying (which is and ought to be understood as something downright reprehensible) in such a way that it coincides with the concept of a formally untrue statement. Indeed, all of this demonstrates how difficult it is to say what lying really is. (Bonhoeffer 2006, p. 606)

To lie, as Bonhoeffer sees it, is not simply to state something that is at odds with the way things actually are. There are circumstances where such statements are wholly appropriate, and it would be a misunderstanding to refer to them as a lie in any regard (joke-telling is one example that he offers). But the reason this is so is because of the contextual nature of the act of truth telling itself. We cannot know in advance of a particular untrue statement whether it is genuinely understood to be a lie, unless we are also aware of the context and setting in which the statement is made. There may well be circumstances where deception is wholly appropriate, particularly in situations where the deception is necessary in order to expose the violation of some deeper moral imperative or in opposition to some grave violation of the properly and divinely ordered structure of society.

To understand Bonhoeffer's example of the child and his teacher, it is important to place Bonhoeffer himself in context, and to grasp properly the situation to which he was responding. As is well known, Bonhoeffer wrote the bulk of what remains of his *Ethics* as well as several fragmentary pieces such as "What Does It Mean to Tell the Truth?" during the Nazi regime while participating in and imprisoned

as part of a conspiracy to assassinate Adolf Hitler.⁹ Under interrogation, he was asked questions which, if he answered truthfully, would have not only cost him his own life, but also endangered the lives of other members of the conspiracy, including many members of his own family. Therefore, he was called upon to lie for their protection in the face of questions asked of him by an illegitimate authority. As Bonhoeffer's biographer Eberhard Bethge reports, Bonhoeffer's reflections on truth telling emerge directly from the experience of interrogation:

During his interrogations while awaiting trial, Bonhoeffer did not have as much to conceal or take responsibility for as [Hans von] Dohnanyi [Bonhoeffer's brother-in-law and co-conspirator]. But much depended on how precisely Bonhoeffer held to the agreed rules of procedure. The slightest carelessness or discrepancy in his story could ruin everything; to have pursued his own course because of his profession or for reasons of private integrity would have been a genuine betrayal. ...

Bonhoeffer had some fears about his physical and mental sensitivity in the face of possible torture. But it became clear that the new task brought with it the required strength. From the first day, he kept himself physically fit by doing exercises and eating whatever nourishing food his family and friends sent to his cell. At no stage in the long struggle did he give up his conviction that by his endurance he was sharing in a great cause: "The thing for which I should be condemned is so irreproachable that I may only be proud of it." ...

The notes that have been preserved give a fairly exact picture of what was at stake in this tiny corner of the resistance's fight, the way in which Bonhoeffer defended himself and concealed the real facts of the conspiracy, what he produced and what he suppressed. His fragmentary essay, "What Is Mean by 'Telling the Truth'?" emerged during these months, and the notes reveal something of the true background of that study. Their confusing content mercilessly shows the consequences of the conspirators' struggle. The fact that Bonhoeffer wrote his essay in those weeks shows how much he was aware of his dilemma, and that he did not seek to pretend or hide anything from himself. (Bethge 2000, pp. 810–813)

Faced with interrogation and possible torture, weighed down by the knowledge that to speak the truth to the interrogators who claimed to have the authority to demand it of him would condemn both himself and the whole conspiracy, Bonhoeffer

committed himself to a course of action that required him to deceive his interrogators consciously and deliberately. Like the child in his example, Bonhoeffer's lies testified to a larger and more profound truth—that the Nazis did not represent a legitimate authority and were, therefore, not entitled question him, and thus he was not obligated to answer truthfully.

"There is," Bonhoeffer argues, "such a thing as Satan's truth. Its nature is to deny everything real under the guise of the truth. It feeds on hatred against the real, against the world created and loved by God." (Bonhoeffer 2006, p. 604) Genuine truth, on the contrary, argues Bonhoeffer, is a living truth, which we come to know through the careful discernment of God's will for us in the particular circumstances in which we find ourselves. The fundamental truth which we owe is to God, and only through an understanding of God's acting and speaking in the midst of the concrete situation can we ourselves speak the truth appropriate to our context.

As a result, truth, at least for adults, for whom the world is a complex and multifarious place, is not simple. Rather, Bonhoeffer argues it is a matter "also of accurate perception and of serious consideration of the real circumstances. The more diverse the life circumstances of people are, the more responsibility they have and the more difficult it is 'to tell the truth.'" (Bonhoeffer 2006, p. 603) Knowing the truth to which one is accountable requires one to be mercilessly honest with oneself regarding both one's responsibilities, and the consequences of one's actions. For Bonhoeffer, it required participation in a conspiracy which ultimately took his life, but which, he was always aware, also jeopardized his soul.

Much the same could be said of the circumstances of those who engage in acts of whistleblowing. There is no one simple "truth" to which their actions correspond. Rather, they discern the larger truth of their responsibility to report in the context of the total circumstances in which they find themselves. While from a theological perspective, this is understood to be a discerning of God's present action and command in the midst of the concrete situation, such a theological point of view may not be apparent even to the whistleblower him- or herself. Rather, they may simply find themselves caught up by their responsibility and their obligation to refuse to conceal that which violates the dictates of morality. Even if we grant the possibility of mixed motives and personal moral failings on the part of the whistleblowers themselves, we may still recognize the moral worth of the act of whistleblowing, as an expansion of the general argument about truth telling that Bonhoeffer is making here.

The Moral Morass of Whistleblowing

While Bonhoeffer is chiefly concerned in his essay about the utterance of truthful or deceptive words, it is clear that he understands moral action in general to be rooted in a

⁹ The most extensive treatment of Bonhoeffer's life, theology, and writing is Bethge (2000).

similarly contextual approach.¹⁰ He writes in conjunction with his assertion that “telling the truth must therefore be learned” that “since it is the case ... that the ethical cannot be detached from reality, the ever-greater capacity to perceive reality is a necessary component of ethical action.” (Bonhoeffer 2006, p. 603). This imperative applies not only to the words we speak, but the other kinds of acts that we undertake. Some kinds of statements, such as promises, are themselves forms of action, and much the same can be said of the signing of contracts and non-disclosure agreements. But other actions undertaken by whistleblowers, perhaps even the theft of secret documents, can also be understood in this moral analysis to be acts of fidelity to a larger project of truth telling, and which, therefore, should not be subject to moral opprobrium. To refuse to engage in these actions would be to take part in a lie that disguises itself as the truth, and by which we would be damned by our own sense of righteous obligation.¹¹

In the case of Jeffrey Wigand, it should be clear that he would not have been bound, under this analysis, by any promises he had made or contracts signed, as those promises and contracts would themselves have been lies, and his obligation would have been to the larger truth of which they were in violation. In Bonhoeffer’s understanding of what it means to act responsibly, Wigand’s actions were not only permissible, but obligatory in opposition to the deception in which the industry itself was engaged.

Whitacre is, as noted, a more difficult case by far. But this analysis can allow us to understand that his deception of ADM was actually an act of truth telling in fidelity to the larger moral reality to which he was responsible. To lie, to deceive, to obfuscate, for the purpose of bringing to justice those who would violate the law and exploit the vulnerable

is an act in conformity with the underlying truth of human moral obligation. In his doing so, we can ultimately recognize in Whitacre something admirable.

On the other hand, his deception of the FBI, even making allowances for the possibility of mental illness, was a participation in an unjustified and immoral deception. In embezzling from ADM, even while one can recognize the company’s culpability, Whitacre was serving no truth, but only himself, and on that score his deception cannot be justified and we can recognize in him something worthy of moral condemnation.

Conclusion

That both that which is morally admirable and that which is morally reprehensible can dwell simultaneously within the same individual should to be wholly unsurprising to us, since we are ultimately mysteries even to ourselves. The question for us must then become how we can orient ourselves and conform our actions to that “real” of which Bonhoeffer wrote, so that we might accurately discern our responsibility in the midst of our concrete circumstances, not in the light of abstract moral principles, but through the calling of that force in whom we live and move and have our being, and by whose lights we come to recognize the good for what it truly is.

Doing so does not absolve us of the responsibility for taking account either of the obligations that we hold as a result of our loyalty to the institutions in which we participate, or the consequences of our silence. On the contrary, both of these remain in continual tension with one another in the midst of our actions. But our decision to act is a decision to stand on behalf of a reality that obligates us more fundamentally than the loyalty that we bear to employers or companies. Acting on that obligation absolves us from nothing, but rather draws us deeper into our responsibility for those who would be harmed by our inaction. In Bonhoeffer’s memorable phrase, “everyone who acts responsibly becomes guilty.” (Bonhoeffer 2005, p. 275) To act responsibly requires us to risk the guilt of our action, and yet to act in the knowledge that the guilt we assume is done so that others may be protected.¹²

The act of whistleblowing is an act of truth telling in Bonhoeffer’s sense precisely to the degree that, in bearing responsibility for the consequences of those actions undertaken by the institutions in which we participate, which pay our wages, and which demand loyalty from us, we testify to the “real” in a more profound and honest sense than we would in continuing to remain silent and

¹⁰ Thus, in his notes for *Ethics*, Bonhoeffer writes “It is better when the truthful person lies than when the liar speaks the truth.” This expresses well the paradoxical nature of ethical discernment in morally fraught circumstances. Bonhoeffer argues: “One sin is not like another. They have different weights. There are heavier and lighter sins. Falling away is far more serious than falling down. The most brilliant virtues of the apostates are as dark as night compared with the darkest weakness of the faithful.” Bonhoeffer (2005, p. 77).

¹¹ This is a point that Bonhoeffer makes in a letter to his co-conspirators entitled “An Account of the Turn of the Year 1942–1943: After Ten Years,” in which he writes: “The man of *conscience* has no one but himself when resisting the superior might of predicaments that demand a decision. But the dimensions of the conflict wherein he must make his choices are such that, counseled and supported by nothing but his very own conscience, he is torn apart. The innumerable respectable and seductive disguises by which evil approaches him make his conscience fearful and unsure until he finally settles for a salvaged conscience instead of a good conscience, that is, until he deceives his own conscience in order not to despair. That a bad conscience may be stronger and more wholesome than a deceived one is something that the man whose sole support is his conscience can never comprehend.” (Bonhoeffer 2009, p. 39).

¹² On this general conception in Bonhoeffer’s thought, see Schliesser (2008).

evade the responsibility that we bear to those who suffer for our silence. In this regard, the truth that we tell when we engage in whistleblowing requires us to make transparent precisely the guilt in which we participated as representatives of the institutions to which we belong. Both Wigand and Whitacre, in different ways, for disparate reasons, and with different degrees of completeness, recognized the extent of their responsibility, and were willing to take on guilt, and suffer the adverse consequences, as a result of their actions. Neither man can be said to have acted with pure, unvarnished virtue, and in Whitacre's case whatever virtue he did display is severely marred by his obvious vices. Yet both paid a cost for orienting themselves, not toward an abstract principle of obligation that supported a greater lie, but toward the truth that required them to both speak, and to bear the consequences of their words.

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