

Speaking Truth to Power? A Foucauldian Theory of Whistleblowing in A Nihilistic World

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Abstract. This paper aims to propose a novel account of whistleblowing. Whistleblowing is seen as “speaking truth to power”. But if there is no truth outside power, as in our post-truth age, whistleblowing loses its meaning. The relationship between truth and power should be questioned. The paper refers to Michel Foucault’s works to interrogate the relations between truth, power, and subjectivity in whistleblowing and show how mainstream theory fails to address those relations. The new account uses Foucault’s term “practice of freedom” to re-anchor the meaning of whistleblowing in a nihilistic world without ultimate truth.

Keywords: whistleblowing, Foucault, the practice of freedom, subjectivity, truth-telling.

Whistleblowing is a politically and ethically contested issue. When the term is mentioned, many names and their controversial stories come to mind: Edward Snowden revealed details of a surveillance programme by the US government, through stealing classified information from the National Security Agency; Aleksandr Solzhenitsyn wrote a book about the Soviet Gulag through journalistic and historical investigations (Delmas 2015, 79). Although their whistleblowing practices are very different, there is a commonality that they all speak truth to power.

The relation between truth and power is key to understanding whistleblowing. In academic debates, whistleblowing is defined as “an act of public disclosure of information concerning wrongdoings” (Santoro and Kumar 2018, 9). In the mainstream theories, whistleblowing is seen as a moral issue that truth should be disclosed to defeat the abuse of power. In short, truth must be defended, and power must be restrained. Whistleblowing is justifiable because the truth is always more valued than power.

This paper, however, aims to challenge the valuation of truth and power in whistleblowing by putting forward a new understanding. In the tradition of western philosophy, truth is seen as the highest value in the world. We humans must pursue truth. The current understanding of whistleblowing is in this tradition. However, Nietzsche questions the value of truth and denies the existence of ultimate truth (Nietzsche 1989, 119). His contestation reveals a problem for whistleblowing, particularly in the “post-truth” age: why we should blow the whistle if there are competing truths, or even worse, there is no truth at all?

Michel Foucault, as a successor of Nietzsche, also questions the value of truth, but he instead insists on the importance of truth-telling. He praises the ancient practices of parrhesia, which means truth-telling (Foucault 2010, 66). He is nihilistic, but he finds the value of truth-telling in the world without ultimate truth. His thought is helpful for us to re-understand the meaning of whistleblowing in the post-truth era.

The paper will use his theory to expose the social and political conditions of truth-telling and develop a novel account of whistleblowing. First, the paper will map out the current debate on whistleblowing in political theory and identify conscience as the anchor of truth-telling. Second, by building on Foucault's conceptions of power, subjectivity, and truth, I will expose the political conditions of truth and conscience-based truth-telling. Third, by building on Foucault's later works of ethics, I will put forward a new understanding of whistleblowing not anchored on the ultimate value of truth but on the act of truth-telling itself.

I. CONTEMPORARY THEORIES OF WHISTLEBLOWING

Currently, there are three mainstream theories of whistleblowing: individual duty, organizational practice, and individual freedom. The "individual duty" view is applied ethics understanding whistleblowing akin to civil disobedience. The main argument is that whistleblowing is a moral duty that individuals have to act extraordinarily to disclose organizational wrongdoing. In particular, two justification for this individual duty can be found in the literature: (i) harm-based justification and (ii) complicity-based justification. In general, harm-based justification proceeds as follows: A member of an organization is morally required to blow the whistle if the disclosure can reasonably prevent the harm which will be caused by the wrongdoing within the organization (De George 2014). This justification of disclosure is a form of consequentialism, which is derived from a moral principle of non-harm generally applied in society (De George 2014, 321).

Complicity-based justifications, on the other hand, primarily concentrate on the moral wrong involved in an agent's complicity in wrongdoing. According to proponents of this view, a member of an organisation ought to disclose wrongdoing committed by their organisation, if the unauthorised disclosure can avoid their complicity with the wrongdoing (Davis 1996). Complicity in wrongdoing is independent of the consequence of wrongdoing, meaning that complicity itself constitutes a moral wrong. Since, in general, we all have a duty to avoid moral wrongs, whistleblowing is justified as a moral duty of non-complicity (Davis 1996, 10).

The two justifications for individual duty understand whistleblowing as a moral action. It is grounded on the moral capacity of individuals that they ought to do the right thing and speak up for the truth.

In contrast, the "organizational practice" view understands whistleblowing not as an individual act but as an organizational function. The crucial difference is derived from the organisational context of whistleblowing. Since individuals are embedded in the structure of the organisation, which is a "system of embodied interrelated rule-governed roles", they occupy structurally interrelated roles (Ceva and Bocchiola 2020, 7). Organisational roles are structurally interrelated due to the function they play within the same organisation – that is, an organisation can function only if all

role-occupants perform their role appropriately. As a result of such interdependence, wrongdoing committed by one role-occupant constitutes a threat to the functioning of the entire organisation. Therefore, in this view, a wrongdoing is not a moral problem but an organisational failure. Such a failure undermines “the normative property of a well-functioning organisation” (Ceva and Bocchiola 2020, 7). It follows then that whistleblowing, on this view, is not an individual act of civil disobedience, but an organisational practice to initiate organisational self-correction.

Ceva and Bocchiola’s account introduces a new dimension of whistleblowing by highlighting that whistleblowers are embedded in organisational structures. In fact, for individuals within the organization, whistleblowing is often simply doing their job according to their organisational duties. For example, internal investigators have duties to inspect organizational corruption. It situates the practice of whistleblowing within the routinised organisational answerability structure. The wrongful conduct of some individuals will not seriously undermine the functioning of the organisation if there are some responsible employees who comply with the organisational duty of whistleblowing to denounce and correct the wrongdoing. In other words, whistleblowing should be institutionalised within a legitimate disclosure regime.

Although the “organisational practice” view is a welcome addition to theories of whistleblowing, it still has limitations. If the “individual duty” view is too unrealistic because it relies on extraordinary individuals, then the organisational practice view is too idealistic because it relies on already transparent and well-functioning organisations. An accountable disclosure regime can exist only in transparent organisations, which are committed to public answerability and accountability and where wrongdoing is limited to one-off events. However, there are some non-transparent organisations with secretive intent where wrongdoing is more systematically committed, for instance, within intelligence organisations (e.g. KGB and CIA). We cannot expect this type of organisation to uphold full accountability and transparency because the nature of such organisation requires secrecy and the potential to be ready to commit wrongs.

In most cases, organizations are imperfect. The organizational practices of self-correction are dysfunctional. Then it requires individuals to perform the moral duty of whistleblowing. Again, it entails an individual to have the moral capacity to do so, and this capacity is grounded on conscience. This issue is addressed by the “individual freedom” view, which is mainly proposed by legal scholars Richard Haigh and Peter Bowal (2012). They argue that conscience defines one’s individuality and individuals always have the freedom of conscience to perform whistleblowing (Haigh and Bowal 2012). Theoretically, conscience has two inseparable functions: the faculty of self-assessment and moral knowledge. Conscience refers to the inner judge, which constantly observes and examines the self. An individual is split into two persons, one who acts and one who judges the former’s conduct as Kant (1991, 189) says that conscience is the “consciousness of an internal court in man.” This faculty of self-assessment implies that we are subjectively compelled to answer to the judgment of our conscience. This sense

of an inner judge thus enables us to conform our conduct subjectively to the moral codes that are borne by conscience.

Moreover, conscience refers to the inner voice, which epistemically identifies what is wrong. Once our conduct does not conform to the moral codes, conscience speaks the “infallible voice of truth” that reminds us of our error (Haigh and Bowal 2012, 25), as Rousseau (1979, 286) says, “conscience is the true guide” that “never deceives us.” Hence, the two functions of conscience are thought to able us to identify and correct wrongdoing. As Haigh and Bowal (2012, 24, 29) argue, conscience is “the voice which tells us what we should do and what we should leave undone, what the pattern and purpose of our lives should be”.

In this way, whistleblowing is justified as the fundamental freedom of conscience, which is the human right to make decisions to act according to one’s conscience, as the task of conscience is to translate conviction into action (Strohm 2011, 93). Once one’s conscience subjectively judges conduct interfered with by organisational wrongdoing as an error that may jeopardise their moral integrity, whistleblowing can be the decision to “freeing” conscience from the error. In short, whistleblowing is the liberation of conscience.

Overall, the act of whistleblowing is grounded on the freedom of conscience. Since our conscience is internally free, we are always capable of self-determination to perform whistleblowing.

II. TRUTH AND POWER IN WHISTLEBLOWING

The idea of freedom of conscience reflects a traditional understanding of whistleblowing: to blow the whistle is to follow the voice of conscience. It promises an inherent free choice of whistleblowing rooted in conscience. It relies on two fundamental assumptions. First, conscience must be understood as an Archimedean point to make conscientious and free choices. We are capable of self-assessment because conscience, as the internal judge, conforms our conduct to the moral codes. As the nature of conscience is stand-alone (Haigh and Bowal 2012, 3), our conscience-based choice to blow the whistle is independent of the outer world (at least for most adults). Second, wrongdoing is seen as truth. We assume that wrongdoing is a fact that is clear and accessible because our conscience makes us aware of what is wrong. This is due to the epistemological function of conscience: it speaks the voice of truth that identifies what is wrong (Haigh and Bowal, 2012, p. 25). As long as our conscience is aware of wrongdoing and compels us to comply with moral codes, it is our free choice to blow the whistle to liberate our conscience from error. In other words, conscience enables us to “escape from power into freedom” (Taylor 1984, 153).

However, in what follows, I will use Foucault’s conceptions of subjectivity, power, and truth to show that the two assumptions are problematic. Freedom of conscience, in fact, is a description from the subject’s perspective, presupposing a

pre-given conscience possessed by the individual; however, this assumption is a mere philosophical abstraction. It presupposes a Cartesian subject: an individual subject has a priori self-knowledge that transparently makes the person aware of “who I am” and “what I should do”, as the roots of conscience are in the Latin word *conscientia*: self-knowledge. Foucault (2001, 335) rejects the Cartesian universal and transcendental subject and proposes specific and historical subjects. According to the Foucauldian subjectivity, conscience is not independent of power; on the contrary, power shapes conscience. To understand this, we should not assume power as “abuse of power” that represses individuals’ conduct (Haigh and Bowal 2012, 7); in contrast, power produces individual conscience and incites them to act (Foucault 2001c, 340).

This new model of power is disciplinary power, which exists in power relations in which subjects are incited to strategically interact with each other in a specific pattern (Foucault 1984, 93). Being a subject implies an individual “tied to one’s own identity by a conscience or self-knowledge”, and the conscience subjectively compels the individual to conduct in a pattern that is incited by power (Foucault 2001c, 331). The subject, for Foucault, is produced through disciplinary practice in which conscience is turned from an inner judge into an inner guard, which exercises self-gazing and self-examination to conform our conduct to certain codes. In other words, our moral codes are codified by power relations. Like the panopticon effect in *Discipline and Punish*, the eye of power is visible but unverifiable; therefore, a prisoner in the innate state of conscious simultaneously plays the roles of both prisoner and guard, hence internalising codes of conduct through constant self-surveillance (Foucault 1991). In history, many specific individual subjects have been produced through various disciplinary practices, such as criminal, mad and sexual subjects (Foucault 1991, 1988b, 1984). This is to say, there is no eternal moral code but only moralizations due to the eternal change of power relations throughout history.

Since disciplinary power has been diffused into the whole society, the subjects’ free choice of whistleblowing is not totally self-determined. It means that the conscience-based decision of whistleblowing is a specific pattern of conduct incited by power relations rather than a self-determined choice based on freedom of conscience. It implies that the subject-centered description of freedom might hide power relations, which the mainstream theories fail to address.

In *Madness and Civilisation*, Foucault (1988b, 213) famously claims, “freedom of conscience entails more dangers than authority and despotism”. In appearance, subjects embedded in power relations are still free, not because power has not fully produced the subject yet, but because freedom is the condition of governing well (Foucault 2007, 353). Freedom here services as the “regulator” of governmental practice (Foucault 2008, 65). From a non-subject centred perspective, freedom is redescribed not as an abstract status of self-determination but as a political strategy to govern our conduct. We are not prohibited from free conduct; instead, we are governed through freedom, which involves “the whole range of practices that constitute, define, organize, and

instrumentalize the strategies that individuals in their freedom can use in dealing with each other" (Foucault 2019, 300). In other words, freedom is concretely practiced in power relations that condition our possibility of conduct and hence limit our conduct within the specific pattern that is defined by the dominant discourse. In short, freedom is a conditioned field of possibility of conduct.

In this redescription of freedom, the non-subjective power relations rather than the subject are centred. We seem to follow the voice of conscience to make choices to comply with "the right code", but this code is exactly what power aims to discipline. The moral codes that define personal identities are merely productions of power since power is "soulcraft", which disciplines persons into specific subjects and therefore subjected to power relations. As Foucault (1991, 30) says, "the soul is the prison of the body". In this sense, conscience is not our internal fortress where we are free but the internal prison to which we are subjected. Disciplinary power allows subjects to freely conduct in a specific pattern not because freedom is a priori or valued but because power relations are reproduced through the subjects' interactions and hence reinforce the control of subjects. That is to say, "freedom of conscience" is a function of power relations, enabling us to moralize the external world and confirm the dominant moral codes in that historical period.

For a long time, we have described whistleblowing as an activity of truth-telling (Santoro and Kumar 2018, 15). It is reflected in the second assumption that wrongdoing is a fact that is clear to us because conscience speaks the truth that makes us aware of wrongdoing. However, conscience cannot guarantee that we can identify wrongdoing and speak the truth because the truth is spoken through a dominant discourse that is produced by power. Discourse is understood as the way to organise and express knowledge in our language (Foucault 1972, 193), but discourse legitimates a certain type of knowledge while simultaneously ruling out other types of knowledges. Wrongdoing has a discursive dimension: "wrongdoing" is legitimated through a dominant discourse that rules out the knowledge about what is wrong. This is because, for Foucault, knowledge is not natural but produced by power and reproduces power (Foucault 1991, 27). In this sense, wrongdoing is not a mere fact that is closed to interpretation but a discourse: whether it is right or wrong is not determined by our conscience but the power/knowledge relations that produced it.

In this way, truth should not be understood as a metaphysical existence but a political construction. For Foucault, there is no distinction between truth and falsehood, but only discourses. Historically, some discourses are counted as truth, while some are excluded. Foucault calls it the "regime of truth", which is "a system of ordered procedures, institutions, and authorities for producing "the types of discourse which it accepts and makes function as true" (Foucault 1980, 131). It is about how discourse can become truth in a particular society. Truth is not prior to truth-tellers. On the contrary, power relations create the standards of truth because they determine who the truth-tellers are. Power relations do not simply determine the truth-tellers externally by force

but internally shape their subjectivity to let them believe in some self-evident truth. A Christian would not believe in the evolution theory of humans because God's creation of men is self-evident for him. He refuses the scientific truth of evolution because of his political identity as a Christian.

Foucault denies the existence of the unchangeable truth. For him, there are only competing discourses, and all of them can become truth in a particular society and a historical period. Is witchcraft true? It was in the age of witch-hunting, as least from the people's views. Then a man who informed the church that a woman performs witchcraft can be seen as a whistleblower, at least in that historical context. This is because if there is no absolute boundary between truth and falsehood, there is no absolute distinction between a whistleblower and an informer. Foucault's understanding of truth is relativistic and nihilistic, but unfortunately, this is the world we live. In the post-truth age, the metaphysical structure of truth is gone. There are only competing narratives. Is climate change true? Was Covid-19 bioengineered in a laboratory in China? There could be no answers at all. Even if there is a definitive answer for them, it can be changed with time. As we mock the witch-hunters in history, our belief in the "truth" will be mocked by future generations. As long as the standards of truth change with time, truth only exists historically.

The loss of ultimate truth reveals a fundamental question for whistleblowing: if there is no absolute existence of truth, why should we speak truth to power? In the mainstream theories, whistleblowing is justifiable because truth exists and waits for the revealing. The conscience is waiting for liberation from power. Truth is seen as the antithesis of power. But Foucault's theory implies the entanglement of truth and power. If the truth is shaped by power relations like in the case of witch-hunting, whistleblowing is nothing more than a confirmation of power. Freedom of conscience is no longer the anchor of truth and moral act. Rather, it has become a prison, constraining us in a regime of truth/power where we can only speak up the dominant discourse. We have to find new meanings for whistleblowing in the entangled relations of truth and power.

III. WHISTLEBLOWING AS THE PRACTICE OF FREEDOM

Since there is no ultimate truth, whistleblowing is not about the disclosure of truth. Rather, whistleblowing is about power struggle. Foucault, just like Nietzsche, does not value truth. Because humans are not interested in truth itself but in the will to truth, which is the will to power. We pursue truth because the will of pursuing makes us feel powerful. As Nietzsche says, we would will to nothingness rather than not will (1989, 97). Whistleblowing as speaking truth to power is struggling for power. But this power struggle should not be understood as a realist politics irrelevant to truth and morality. It does not say that truth is not important. Since there is no truth outside power and no power outside truth, a theory of whistleblowing cannot oppose truth and power or deny one of them. Rather, truth-telling itself creates power. Whistleblowing can

be seen as a rupture of the regime of truth, which disentangles and reconfigures the relations between subjectivity, truth, and power.

In Foucault's ontology, the world has no order or direction but only flows of power relations, which are the multiplicity of antagonistic forces traversing all local positions in the social body (Foucault 1984, 93). Those forces constantly confront each other and create certain types of subjectivity, such as masters and slaves, the normal and the abnormal, Christians and pagans. The dominant force becomes the truth-teller and creates the standards of truth. And the truth reinforces the subjectivity by inscribing self-knowledge and then generates power relations. Truth and power are a reciprocal circle. And subjectivity is the key medium of the relations between truth and power. Subjectivity is self-knowledge about who you are. The disentanglement of the power relations must start with subjectivity.

As I have examined in the last section, "freedom of conscience" is not totally self-determined; instead, it is a function of power relations. This "unfreedom" implies that our subjectivity is not the true author of our conduct. As demonstrated, the problem is rooted in subjectivity, which always conforms truth-telling to the dominant discourse. This self-policed truth-telling has been internalised as the subject's fundamental codes of conduct. Foucault (2019a, 378), through the eyes of Nietzsche, conceives those prescriptive codes of conduct as a symptom of modern power that constrains our potentiality to act. However, in his seminal works on ethics, Foucault sees a possibility of freedom of conduct in ancient Greek ethical practices, which enables one to invent new codes according to our own subjectivity. It is a form of ethics that transforms "subjected subjects" into the ethical "subjects of action, subjects of true knowledge" (Foucault 2005, 417). To see whether the Foucauldian ethics provides a possibility for the freedom to blow the whistle, I start with his distinction between morality and ethics.

Morality is prescriptive, while ethics is creative. For Foucault (2012, 25), morality is a "prescriptive ensemble" which entails a set of values and rules of conduct, such as the codes of conduct that are internalised by the "regime of power". This "prescriptive ensemble" produces our subjectivity and codifies our conduct, making our actions subject to the dominant discourse rather than subject to ourselves. On the contrary, ethics is the relationship with the self, in which the person "constitutes himself as a moral subject of his own actions" (Foucault 1997, 262). In short, ethics is *ethos*, a mode of being, not a prescriptive code. To be moral is merely to comply with the codes that are inscribed by power relations but ethics entails inventing a relation to the self to impute our conduct to our own subjectivity. In other words, ethics is to reconstitute a subjectivity to take back control of our conduct that has been codified by power relations. This is because the subject is an imposed form so that it can be refused and transformed (Foucault 1997b, 290).

Before we give a new form to our subjectivity, we need to refuse the existing subjectivity that has been shaped by the dominant discourse. To do so, Foucault

(2012b, 43) offers a technique: the “practice of the self”, which derived from an ancient Greek culture, “the care of the self”, wherein the relation with the self was cultivated to be an *ethos*. In practice, a person practices reflective self-inspection to guarantee that “one will not become attached to that which does not come under our control” and “accept in the relation to the self only that which can depend on the subject’s free and rational choice” (Foucault 2012b, 64). The “practice of the self” aims to achieve self-control in which the subject’s conduct detaches from the codification of power and thus freely exercises sovereignty over the self, in Foucault’s term, the practice of freedom.

Here, freedom must not be understood as legal or moral codes that permit or are prescribed by someone to do something but as a form of practice invented by someone to constitute a new subjectivity. This non-prescriptive concept of freedom perhaps is not compatible with the language of justification in analytic political philosophy. When we try to justify a decision as free choice, we usually refer to universal principles such as freedom of conscience. It philosophically supposes that we are entitled status of being free, and whistleblowing is justified if we aim to achieve such a status of freedom. However, such abstract freedom does not exist in practice, as in the Foucauldian framework, freedom is a conditioned field of possibility in which the subject conducts in a specific pattern. It indicates that freedom exists only in concrete practices. Hence, the aim of whistleblowing is not to achieve the entitled universal status of freedom but to invent desired concrete practices of freedom. It is the teleological pattern of conduct that the whistleblower aims to invent. In this pattern, the whistleblower exercises sovereignty over the self and speaks “true discourse” by their own *ethos*. As Foucault (2019, 284) contends, “ethics is considered form that freedom takes when it is informed by reflection”. Freedom is ethical, not in the sense of moral justification, but in the way that this form of practice is informed by the wish of ethical self-constitution.

The practice of freedom entails self-reflection, which critically practices dissenting discourses in order to refuse the imposed subjectivity. As seen, the unreflective adoption of the dominant discourse results in a subjectivity that is imposed by power relations. However, although our subjectivity is defined, it is still possible to refuse it since we have the capacity for self-reflection, which leads to critical engagement with the dominant discourse. In *What is Enlightenment*, Foucault (2019b, 319) proposes self-reflection as a practice of “critical ontology of ourselves” in which “the critique of what we are is at one and the same time the historical analysis of the limits that are imposed on us”. The name of the essay is a dialogue with Kant. For Kant, the world is ordered, and men are capable of discovering their limits by a priori reason. In contrast, for Foucault, the world is chaos; the limits of men are imposed historically and therefore offer the possibilities to transgress the limits. This is to say, we need to reflectively interrogate our subjectivity to expose that the subjectivity is not self-evident but rather historically constituted. In other words, critical engagement

is to expose that the limits of our subjectivity are imposed by the dominant discourse, which is produced by the regime of truth.

This self-reflection practice is not to search for a definitive answer about the self; instead, it is the experimental and transgressive practice of freedom upon limits. As Foucault (2019b, 319) continues, critique is “an experiment with the possibility of going beyond [limits]”. In practice, we can start the self-reflective practice by non-conforming to the dominant discourse. That is to say, the practice of freedom is to practice dissenting discourses and hence refuse the self that is imposed by the dominant discourse. In short, practicing dissenting discourses is the art of “reflective indocility” (Foucault 1997b, 386). This self-refusal practice opens up the possibility of no longer being the same self and thus motivates one to seek another self that is not fully constituted by the dominant discourse (Foucault 1997d, 315). For example, Foucault (2001a, 465) comments that in the Solidarity movement in Poland, “the people have not only struggled for freedom... but they have done so by exercising ...freedom”. Their “[dissenting] discourses ... converted into the creation of something new” and eventually led to the transformation in 1989 (Foucault 2001a, 468). This suggests that the dissenting discourse produced by the practice of freedom enables one to refuse the self and thus “opens up the space of freedom...of possible transformation” (Foucault 2019b, 450).

The practice of dissenting discourse thus sheds light on the practice of whistleblowing, as the disclosure of wrongdoing can be seen as a “virtual fracture” of the “regime of truth”, releasing the self from the imposed code of conduct (Foucault 2019a, 450). This self-refusal practice opens up a space of freedom where power relations are less intensified, and the subject is “freer” to create truth. Since there is no ultimate truth, everything is possible.

The formation of a new subjectivity has to bring new self-knowledge based on new standards of truth and therefore constitutes a critical opening of the regime of truth. Whistleblowing, in this sense, is challenging the power relations that produce the truth. It is not “emancipating truth from every system of power” but “ascertaining the possibility of constituting a new politics of truth” (Foucault 1980, 133). In other words, the meaning of whistleblowing is the power struggle that transfigures the relations between power and truth. The act of truth-telling creates a new standard of truth and hence generates power.

Whistleblowing can be redescribed as the “practice of freedom” in the sense of normative engagements with the dominant discourse in order to reconstitute a truth-telling subjectivity. The practice of freedom, in the case of whistleblowing, is to practice truth-telling that is non-conforming to the dominant discourse, but this practice needs a normative orientation to maintain continuous control over the conduct. Specifically, the continuous practice of whistleblowing is a process of self-controlled normalisation in which the whistleblower reflectively adopts the “true discourse” as their new subjectivity. Through normative practices of “true discourse”,

the whistleblower recodifies their conduct of truth-telling. This kind of normative practice is termed “free subjectification” (Schubert 2020, 15), while I prefer to call it the “self-controlled practice of freedom”. Therefore, in their own “game of power”, the person constitutes themselves as a truth-telling subject who is capable of conforming truth-telling to the “true discourse” rather than the dominant discourse.

In this understanding, the imperative of whistleblowing is not grounded on truth but on the act of truth-telling. Since there is no ultimate truth, the will to truth/power is the new anchor of whistleblowing for great individuals who are interested in their value of existence. The nihilistic understanding of truth certainly creates great dangers as the whistleblowers could speak what they want or even intentionally lie. Nihilism opens the gate for great truth-creators but also for great liars. We would lose the anchor of moral codes and push humans into a storm of power struggles. But for Foucault, as a Nietzschean, this is how the world is, a chaotic field of force confrontations. Foucault is a pessimist and an activist who acknowledges the dangers of actions and is still willing to act (1997, 256). He enjoys chaos. In this account, whistleblowing is not to protect the order of the world but to reveal the chaotic nature of the world and release the energy of life, which is the will to form a new style of individual existence.

IV. CONCLUSION

I proposed a Foucauldian understanding of whistleblowing as the “practice of freedom”. In contrast with the mainstream normative theories, it does not ground the value of whistleblowing on truth but on the act of truth-telling. The capacity that enables truth-telling is no longer freedom of conscience but freedom of practice which transforms subjectivity. This account is nihilistic in moral and epistemological senses, but it reflects the current world we live in and gives meaning to whistleblowing.

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REFERENCES

- Boot, E. R. 2019. *The ethics of whistleblowing*. Routledge.
 Ceva, E. and M. Bocchiola. 2019. *Is whistleblowing a duty?* John Wiley & Sons.
 ———. 2020. Theories of whistleblowing. *Philosophy Compass* 15(1): e12642.
 Childress, J. F. 1979. Appeals to conscience. *Ethics* 89(4): 315-35.
 Davis, M. 1996. Some paradoxes of whistleblowing. *Business & Professional Ethics Journal* 15: 3-19.

- Delmas, C. 2015. The ethics of government whistleblowing. *Social theory and practice* 41(1): 77-105. doi:10.5840/soctheorpract20154114.
- Foucault, M. 1972. *The archaeology of knowledge*. London: Tavistock.
- . 1980. *Power/knowledge: selected interviews and other writings, 1972-1977*. Edited by Gordon 1948-, C. (ed). New York: Harvester Press.
- . 1984. *The history of sexuality Vol.1*. Harmondsworth: Penguin.
- . 1988a. An Interview with Michel Foucault October 25, 1982. In *Technologies of the self: A seminar with Michel Foucault*, edited by L. H. Martin, H. Gutman, and P. H. Hutton, 9–15. Amherst: Univ of Massachusetts Press.
- . 1988b. *Madness and civilization: A history of insanity in the age of reason*. Vintage.
- . 1991. *Discipline and punish: the birth of the prison*. Edited by A. Sheridan. London: Penguin Books.
- . 1997a. *Ethics, subjectivity and truth: The essential works of Foucault 1954-1984 (vol 1)*. Edited by P. Rabinow. London: Allen Lane The Penguin Press.
- . 1997b. What is Critique? In *The politics of truth*, edited by Lotringer, S. and Hochroth, L. New York: Semiotext.
- . 2001a. *Fearless speech*. Semiotext.
- . 2001b. *Power: The essential works of Foucault 1954-1984 (vol 3)*. Edited by J. D. Faubion. London: Allen Lane The Penguin Press.
- . 2001c. The Moral and Social Experience of The Poles Can No Longer Be Obliterated. In *Power: the essential works of Michel Foucault 1954-1984*, edited by J. D. Faubion. London: Penguin UK.
- . 2005. *The hermeneutics of the subject: Lectures at the Collège de France 1981-1982*. Macmillan.
- . 2007. *Security, territory, population: lectures at the Collège de France, 1977-78*. Springer.
- . 2008. *The birth of biopolitics: lectures at the Collège de France, 1978-79*. Edited by M. Senellart et al. Basingstoke: Palgrave Macmillan.
- . 2010. *The government of self and others: Lectures at the Collège de France 1982-1983*. Springer.
- . 2011. *The courage of truth: Lectures at the College de France 1983-1984*. New York: Palgrave Macmillan.
- . 2012a. *The history of sexuality, vol. 2: The use of pleasure*. Vintage.
- . 2012b. *The history of sexuality, Vol. 3: The care of the self*. Vintage.
- . 2014. *Wrong-doing, truth-telling: The function of avowal in justice*. University of Chicago Press.
- . 2019a. Nietzsche, Genealogy, History. In *Aesthetics, method, and epistemology: Essential works of Foucault 1954-1984*, edited by J. D. Faubion, 369-391 London: Penguin.
- . 2019b. Structuralism and Post-structuralism. In *Aesthetics, method, and epistemology: Essential works of Foucault 1954-1984*, edited by J. D. Faubion, 433-458. London: Penguin UK.
- . 2019c. The Ethics of the Concern for Self as a Practice of Freedom. In *Ethics: Subjectivity and Truth: Essential Works of Michel Foucault 1954-1984*, edited by P. Rabinow 281-301. London: Penguin UK.
- . 2019d. What is Enlightenment? In *Ethics: Subjectivity and Truth: Essential Works of Michel Foucault 1954-1984*, edited by P. Rabinow, 303-319.
- Foxley, I. 2019. Overcoming stigma: Whistleblowers as 'supranormal' members of society?. *Ephemera: theory & politics in organization*, 19(4).
- De George, R. T. 2014. Whistle-Blowing. In *Business ethics: Readings and cases in corporate morality*. edited by W. M Hoffman, R. E. Frederick, and M. S. Schwartz, 320-38. John Wiley & Sons.

- Haigh, R. and P. Bowal. 2012. Whistleblowing and freedom of conscience: towards a new legal analysis. *Dalhousie LJ* 35: 89.
- Kant, I. 1991. *The Metaphysics of Morals*. Edited by M. J. Gregor. Cambridge: Cambridge University Press.
- Rousseau, J.-J. 1979. *Emile: or, On education*. New York: Basic Books.
- Santoro, D. and M. Kumar. 2018. *Speaking truth to power-a theory of whistleblowing*. Springer.
- Schatzki, T. R. 2001. Practice theory: an introduction. *The practice turn in contemporary theory*, 1-14.
- Schubert, K. 2020. Freedom as critique: Foucault beyond anarchism. *Philosophy & Social Criticism*: 0191453720917733.
- Simons, J. 1995. *Foucault and the Political*. London: Routledge.
- Sluga, H. 2014. *Politics and the Search for the Common Good*. Cambridge: Cambridge University Press.
- Snowden, E. 2019. *Permanent record*. Macmillan.
- Strohm, P. 2011. *Conscience: A very short introduction*. Oxford University Press.
- Taylor, C. 1984. Foucault on freedom and truth. *Political theory* 12(2): 152-83.
- Teo, H. and D. Caspersz. 2011. Dissenting discourse: exploring alternatives to the whistleblowing/silence dichotomy. *Journal of Business Ethics* 104(2): 237-249.
- Tully, J. 2008. *Public philosophy in a new key (Vol. 1): Democracy and Civic Freedom*. Cambridge: Cambridge University Press.
- Valdez, I. 2016. Nondomination or practices of freedom? French Muslim Women, Foucault, and the full veil ban. *American Political Science Review* 110(1): 18-30. doi:10.1017/S0003055415000647.
- Vandekerckhove, W. 2016. Freedom of expression as the “broken promise” of whistleblower protection. *La Revue des droits de l’homme. Revue du Centre de recherches et d’études sur les droits fondamentaux* (10).
- Weiskopf, R. and H. Willmott. 2013. Ethics as critical practice: The “Pentagon Papers”, deciding responsibly, truth-telling, and the unsettling of organizational morality. *Organization Studies* 34(4): 469-93.