

THE OPERATIONAL LOGIC OF NORMATIVE VIOLENCE: WHISTLEBLOWING AND CORPORATE RETALIATION

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Saint Sebastian at the Column (Albrecht Dürer, copper engraving, 1500).

ABSTRACT: This article analyzes the mechanisms by which corporate systems operationalize retaliation against whistleblowers. Drawing on theories of structural violence, private governance, and institutional control, it argues that retaliation is not an aberration but an inherent function of corporate power preservation. The paper deconstructs the internal logic of employer retaliation — including dismissal, legal intimidation, narrative manipulation, and procedural attrition — and situates whistleblowing within broader systems of risk control and authoritarian corporate governance. Integrating scholarship from law, political philosophy, and ethics, it advances the concept of preemptive resistance: understanding and countering structural violence by anticipating corporate suppression tactics before they are deployed. The work proposes a framework for transforming the role of whistleblower from victim to system-level disruptor.

KEYWORDS: whistleblower retaliation, structural violence, corporate governance, legal suppression, private government, institutional control, counter-strategy, procedural attrition, ethical dissent, power asymmetry

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INTRODUCTION

Whistleblowers exist in the most precarious position within corporate ecosystems. They are individuals who recognize systemic harm and attempt to interrupt it from within. Their role is not simply that of dissenter, but of disruptor — their actions fracture the internal logic of control that corporations depend upon for self-preservation. (Anderson, 2017, p. 39).

Yet, retaliation against whistleblowers is rarely treated with the analytical rigor it deserves. Too often, it is framed as exceptional misconduct, an aberration from "normal" corporate governance (Galanter, 1974, p. 135). This framing obscures a deeper, more troubling reality: retaliation is not a malfunction of corporate systems. It is a predictable function embedded within them.

Drawing on the theory of structural violence (Galtung, 1969), this paper examines how corporate systems weaponize procedural distortion, legal intimidation, narrative manipulation, and institutional isolation to suppress internal dissent. These tactics do not arise from individual malice but from systemic incentives. Within corporate governance, whistleblowing represents an existential threat — a challenge to the organization's ability to monopolize risk management, control narrative flow, and contain reputational exposure. (Eskridge, 1994, p. 61).

Elizabeth Anderson's critique of "*private government*" provides essential framing here: corporations operate as autonomous regimes, exercising sweeping authority over internal participants while shielding their operations from external scrutiny. (Anderson, 2017, p. 45). In such closed systems, retaliation serves not only to punish individual whistleblowers but to deter collective resistance by creating exemplary consequences. (Habermas, 1991, p. 274).

This paper dissects the operational logic of such retaliation — not merely as a legal phenomenon, but as an engineered corporate function. It analyzes how retaliation is operationalized, how it reflects deeper patterns of institutional violence, and how understanding its predictability enables targeted resistance strategies.

By treating whistleblower retaliation as a function of structural violence rather than an accidental outgrowth of flawed leadership, we clarify both the stakes and the necessary responses. Recognition of this operational logic is essential not only for whistleblowers and their advocates, but for legal practitioners, regulators, and all those engaged in the broader project of corporate accountability.

Author's Note: *In 2021, I blew the whistle on my employer while I was still an employee. I expected they'd do the right thing, but when they didn't, I reported them to regulators and journalists. I was swiftly met with retaliation and an experience so destructive I didn't have the words to describe what happened to me. It left me feeling deeply undone and morally lost. I set out to learn if what happened to me is a known phenomena, and if so, if there is language and concepts to explain the experience. I found it is known and well studied.*

This article focuses on experiences like mine, where a still employed whistleblower takes disclosures of severe, systemic issues public due to inaction or coverups by the institution. This article doesn't intend to discount the other varieties of whistleblower experiences; but instead seeks to explain, expose, and validate the turmoil many whistleblowers in similar positions are often forced to walk through alone. You are not alone.

WHAT IS A WHISTLEBLOWER?

The term *whistleblower* is thought to originate from Victorian England, where, when a crime was committed, policemen would blow a whistle while chasing the criminals to alert the public of the crime. Today, much like those historic figures, modern whistleblowers that spot misconduct "*blow the whistle*" and alert the public of the threat. The whistleblower acts as an early warning signal and defense mechanism of the common good. (Hazlina, 2019; Devine, 2002).

The term *whistleblowing* can be used very broadly to refer to an act of dissent, or it can be defined in a precise way. Whistleblowing generally seeks to reveal abuse and malfeasance, and to promote accountability. Publicly known whistleblowing cases often concern issues of societal importance, like human rights violations, environmental damage, health and safety dangers, miscarriages of justice, and systematic corruption (Martin & Rifkin, 2004; Bloch-Wehba, 2023; Bjorkelo & Madsen, 2013; Alexander, 2004).

Despite the importance of their actions, named whistleblowers are often subjected to oppressive and stigmatized labels such as "*snitch*" or "*leaker*" (Nicholls et al., 2021; McClearn, 2003; Kenny et al., 2018). Discussions of whistleblowers frequently treat them as sympathetic antagonists; the person is publicized instead of the disclosures, and coverage is constrained to interpreting actions only through formal laws and norms with deference to industry and government.

Perhaps due to the potential disruption whistleblower disclosures can cause to established systems, there is a positivist urge to quantify and label whistleblowers. There have been extensive — and generally fruitless — studies searching for a special recipe of human characteristics that leads one to become a whistleblower. This is misguided and distracts from whistleblowing as a moral challenge anyone may have to face. Studies are predictably conflicted as to the whistleblower's most common gender, nationality, race, ethics, or age. There does seem to be positive association with education, honesty, strength of spiritual faith, and morality — only subjective characteristics. It is estimated as many as 44% of non-management employees do not report misconduct. Ultimately, the distinguishing factor that sets whistleblowers apart from other employees is the very act of speaking out. (Davis, 1996; Kenny et al., 2018; Martin, 2003; Martin & Rifkin, 2004; Nicholls et al., 2021).

The attempted classification of scientific categories to predict whistleblowing has been debunked and cautioned against for decades — yet it persists. Ignoring the issues that caused the person to come forward in the first place, many studies still instead focus on an endless search for data points to classify whistleblowers based on immutable and subjective categories. At best, this is perhaps researchers attempting to flag categories to screen potential risks to power structures; at worst, it is a disturbing quest to declare formal biological and social determinants of moral behavior. In modern history, "scientific studies" attempting to formally identify whether people with certain immutable characteristics are superior or deficient related to basic human behaviors and activities have often ended in tribunals

There is also a flawed tendency towards a Foucauldian view of whistleblowers, celebrating the idea of "*fearless speech*" and viewing the whistleblower as a political actor who performs an act of resistance by speaking truth to power. This view is nascent — and only relevant at the earliest stages of whistleblowing or for those who blow the whistle after they are well out of harm's way — while ignoring the predictable and devastating aftermath for those who blow the whistle while still employed. (Kenny, 2018; Martin, 2003).

Far from being some sort of fearless rebel, whistleblowers are often professional idealists and loyal organizational adherents who were not aware of the dangers and consequences of disclosing. Instead, whistleblowers often earnestly trusted their organization and believed it would take actions to address the issues raised. Similarly, military and intelligence whistleblowers are often conservative and patriotic. Many whistleblowers speak up because they believe in formal procedures and justice — never expecting an antagonistic response. Many also expect that taking the matter to a regulatory body will finally deliver law and order

to the situation, but instead are often met with even more threats and retaliation — now by the very government agencies supposedly chartered to protect them (Kenny et al., 2018; Mistry & Gurman, 2020; Martin, 2004).

RATIONALIZATION & INTENTION

Deconstructing the process of blowing the whistle, there are two significant moral queries. The first is: when is it justified to blow the whistle at all? The second is: when is unjustifiable to not blow the whistle?

Justification for blowing the whistle requires: an organization, policy, action, or product poses a serious and considerable harm to the public; the employee reported the threat to their supervisor (if feasible); and if not addressed, the employee escalated further to the extent they exhausted all possibilities for resolution internally. If these requirements are satisfied, it becomes morally permitted to blow the whistle, though the person is not morally required to blow the whistle. (Davis, 1996; Tavani, 2014)

An employee becomes morally obligated to blow the whistle if the employee has accessible, documented evidence that would convince a reasonable and impartial observer that the whistleblower's view of the situation is correct; and the employee has good reason to believe that by going public the necessary changes will be brought about and harm will be prevented. (Tavani, 2014). Because managers are almost certain to deny wrong-doing, a whistleblower needs ironclad evidence in-hand, and a whistleblower who can obtain this is in a rare and impactful position.

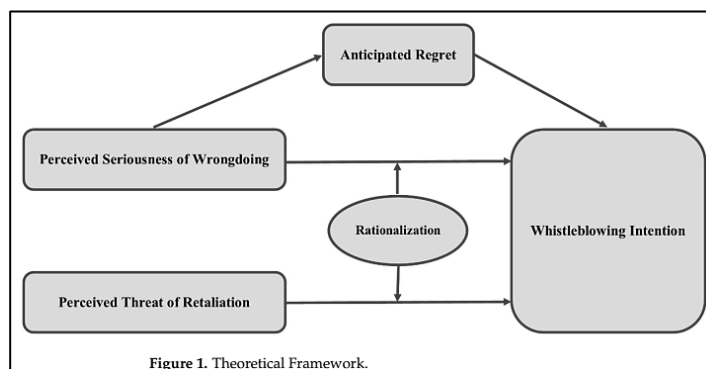


Figure 1. Theoretical Framework.

(Khan, 2022, page 4, figure 1).

When all five conditions are met, whistleblowing is a form of "*minimally decent Samaritanism*." Indeed, many whistleblowers have described themselves as involuntarily compelled to blow the whistle & "*having no other choice*." (Apaza, et al, 2011; Davis, 1996; Kenny; 2018; Martin, 2003). This is often in direct contradiction to the way society wants to view whistleblowers.

For those in situations where whistleblowing would be justified but not morally required, there is a moral and personal reckoning process. Functional considerations may be at play such as social policy, individual prudence, legal protections, socioeconomic status, expectation of loyalty to the organization, or organization and professional norms. Regret functions to connect seriousness to intention, while fear of retaliation may trigger moral disengagement (i.e., dehumanizing victims) to reduce cognitive dissonance and throttle moral emotions. (Davis, 1996; Kenny, 2018; Khan, et al, 2022; Nicholls, 2021). In general, workers are most likely to blow the whistle on severe issues and intentional misconduct. In two thirds of cases the whistleblower went to a regulator because their complaint was ignored by the company and in ten percent of cases the whistleblower came forward because of a cover-up. (Dey, 2021).

Whistleblowing is a dynamic process that takes time to unfold. Most people do nothing until they are convinced the wrongdoing is alarming: morally offensive and has considerable threat of harm. Many people have no idea what they are about to face, and most do not have the information required to properly reckon with the decision to be made. Many disclosures are made in quiet good faith and the person would never think of themselves as a ‘whistleblower,’ and thus also did not gather sufficient evidence that could withstand an imminent cover-up, nor would they have the perspective to actively identify, document, and navigate the reprisals about to unfold. (Khan, et al, 2022; Martin, 2003; Nicholls, 2021; White, 2021).

Effectiveness in whistleblowing is considered to be “the extent to which the questionable or wrongful practice (or omission) is terminated at least partly because of whistleblowing and within a reasonable time frame.” This may be displayed in the organization launching an investigation into the whistleblower’s allegations (on their own initiative or required by a government agency), and/or if the organization takes steps to change policies, procedures, or eliminate wrongdoing. (Apaza, 2011). Very little is said about the welfare of the whistleblower.

PREDICTABLE VIOLENCE

Despite the appearance of whistleblower laws and protections in the United States, the inefficacy of these protections is demonstrated by the institutional violence used to silence, discredit, and ultimately forcibly remove the whistleblower from the workplace. Whistleblower retaliation is a severe form of violence and whistleblowers who disclose while still employed seldom anticipate the often-catastrophic consequences of their actions. (Garrick & Buck, 2020; McClearn, 2003).

On the other side, faced with a blown whistle, institutions instinctively react to minimize their culpability and damage. The standard management tactic is instigating mobbing by coworkers to then build a complaint against the whistleblower, which is then investigated and documented to impugn the whistleblowers credibility and assassinate their character, and during this counter-investigation with vague charges, the whistleblower is then formally isolated to ‘protect’ the new farcical investigation. (Garrick & Buck, 2020; Alam, 2019). Ultimately, around 70% of whistleblowers will find themselves swiftly fired or forced to resign – usually the whistleblowers who took their concerns outside the company. (Apaza, 2011).

Retaliation against whistleblowers is common and severe. Those who report externally and trigger adverse publicity are expected to meet “*comprehensive forms of retaliation.*” (Dworkin, 1998). Those who blow the whistle on serious wrongdoing are expected to suffer “*significant damage.*” (Khan, 2022). Whistleblowers often face retaliation to the extent it disrupts their core sense of self. The impact of whistleblower retaliation cannot be understated (Ahern, 2018; Apaza, 2011; Kenny, et al, 2019).

For the whistleblowers, disabling PTSD-like symptoms first start with self-doubt and then escalate in a spiral to a loss of sense of coherence, dignity, and self-worth. This anxiety is felt for years. Compared to the general population, whistleblowers have much more severe depression, anxiety, distrust, and sleeping problems. 88% of whistleblowers report intrusive thoughts and nightmares, 89% report feeling humiliated about the situation, and 87% reported belief there was a hostile mob organized against them. The psychological impact has been compared to the grief associated with death of a loved one, or a person’s state two to three weeks after experiencing major natural disaster. (Ahern, 2018; Garrick & Buck, 2020; van der Velden, et al, 2019).

In addition to counter-accusations and job loss, retaliation may include: demotion, harassment, decreased quality of working conditions, threats, reassignment to degrading work, character assassination, reprimands, denigration, punitive transfers, increase in workload, demotion, smear campaigns, surveillance, rumors, denylisting from their field of work, denial of promotions, overly critical performance reviews, double-binding, the ‘cold shoulder’, referral to psychiatrists, manufacturing personal and/or professional problems, exclusion from meetings, insults, retaliatory lawsuits, stalking, ostracism, petty harassment, abuse, bullying, doxing, vandalism and destruction of personal property, police reports and arrests, and even harm to the whistleblower’s own bodies through physical attacks and sexual assaults, to the extent of assassination (Alford, 2001;

Garrick & Buck, 2020; Kenny, et al, 2019; Martin, 2003; Marin & Rifkin, 2004; Worth, 2022).

There are several known, confirmed whistleblower assassinations in just the last few years, including:

In Georgia (USA), **Eliud Montoya** blew the whistle on a labor-trafficking scheme at his workplace where undocumented workers were hired and their pay was skimmed – with the perpetrators stealing more than \$3.5 million. In 2017, Montoya reported the scheme to his company management (a subsidiary of Davey Tree Expert Company), then four months later also reported the situation to the U.S. EEOC.

Two days after Montoya took the complaint to federal regulators, three men at the company assassinated Montoya, shooting him to death. (Law & Crime, 2022; U.S. DOJ, 2022). In 2023, six years following Montoya's death, the assassin was sentenced to life in prison and the company was fined \$4 million by U.S. DOJ. (U.S. DOJ, 2023).

In South Africa, **Babita Deokaran** was the chief director of financial accounting at a Department of Health agency. She blew the whistle on suspected corruption at Tembisa hospital, flagging nearly £43m of

possibly fraudulent transactions. The corruption is now suspected to also be connected to an organized crime ring. In 2021, Deokaran was shot dead outside of her home in a 'hit-style' killing. Days before the murder she had warned her supervisors "*our lives could be in danger.*" (Farmer & Thornycroft, 2022; News24, 2022-2023).

In New York (USA), **Allyzibeth Lamont** discovered her boss was paying employees under the table (not deducting payroll taxes). She reported the issue to the New York Department of Labor, and planned to take the issue public. The employer testified he was nervous the labor complaint would now 'get in the way' of his plans to open a new location, so he hired someone to assist him in assassinating Lamont.

In 2019, Lamont was suffocated with a plastic bag over her head, then beat to death with a baseball bat and sledgehammer, followed by her body being dumped in a shallow grave next to a highway. The New York Labor Commissioner said Lamont's murder was "*the most heinous act of retaliation against a worker that the New York State Department of Labor has ever seen.*" (Keller, 2021; Williams, 2021).



Babita Deokaran (*The South African*, 2022)



Frank Olson (*Alchetron*)



Karen Silkwood (*TSHA*)

In addition to formal homicides, there are also several notoriously suspicious whistleblower deaths which are suspected to be retaliatory murders, including:

Frank Olson was an executive in the CIA's Special Operations Division and MK-ULTRA program. Olson

was involved in a number of ghastly secret chemical and biological warfare experiments and operations. Olson expressed shame about his involvement and compared some of the US' activities to "*what had been done to people in concentration camps.*" He told his wife he was

deeply bothered about the germ warfare experiments in Korea, that he had “*made a terrible mistake*,” and contemplated quitting. (Kuzmarov, 2020). There were also suspicions Olson planned to blow the whistle on the CIA’s connection to a mass poisoning event in Pont-Saint-D’ésprit, France in 1951. Shortly after failing a CIA interrogation in 1953, and a finding he breached security protocols, Olson then “*fell out of a window*.” (Kuzmarov, 2020).

The witness, another CIA executive, could not provide a coherent explanation of events leading up to the fall, yet right after the ‘fall’ he made a phone call to an unidentified source saying “*he’s gone*,” to which the person replied “*that’s too bad*” and hung up. An autopsy found a blow to Olson’s head from the butt of a gun. The night before his death, Olson told his wife someone was trying to poison him and he feared for his safety. (Kuzmarov, 2020).

Karen Silkwood was a lab technician at a Kerr-McGee plutonium plant. In 1974, she reported to her labor union and U.S. Atomic Energy Commission that the plant had quality-control failures and insufficient safety procedures that put employees at risk of radioactive contamination. The union encouraged her to gather internal documents to corroborate her allegations. Less than two months later, she was contaminated with plutonium at work three days in a row. Then she also found plutonium contamination in her home. She alleged it was all acts of intimidation by Kerr-McGee. (History, 2009).

Silkwood persisted, obtained corroborating evidence, and got in her car to drive to meet with a New York Times reporter to share the documents. Silkwood was found dead in a car crash. The car had a fresh dent in the rear bumper and there were skid marks at the scene indicating a hit-and-run assailant forced Silkwood off the road. The documents Silkwood obtained to expose Kerr-McGee went missing. It was later revealed Silkwood likely unwittingly collected documents that also exposed a nuclear smuggling ring. (Kohn, 1997; Latson, 2014).

Cliff Baxter was a vice chairman at Enron and had raised a number of concerns internally about Enron’s dubious off-the-books transactions with private partnerships. Fellow Enron whistleblower Sherron Watkins noted Baxter’s dissent in her now famous memorandum to CEO Kenneth Lay. In 2002, two weeks after Baxter was first publicly named as an Enron whistleblower in Watkin’s memo, Baxter was then found shot dead in his car with ‘rat-shot’ (an unusual

type of ammunition not easily traced back to the gun it was fired from). Baxter had unexplained wounds on his hand and shards of glass on his shirt. A few days before his death, Baxter had commented about needing a bodyguard. At that time, Enron was engaged in the now notorious, extensive and obstructive shredding of incriminating documents and deletion of computer files (Martin, 2002; Oregon, 2002).

The capacity for retaliatory physical violence may often be present (especially if the whistle is blown on an institution with a large private security force), and threats of violence can be exceptionally effective in silencing witnesses. (Greitens, 2016).

However, threats of violence and attempts at assault are often not worth the risk to employers – as it may give the employee tangible proof of retaliation, an actionable complaint for law enforcement, and also lead to great publicity. Thus, employers seem to most often follow a playbook designed to initiate a self-destruction protocol through social and psychological violence, instead of direct physical assaults. (Alexander, 2004). Powerful employers may pursue direct terror through low-level violence and professionalized low-cost escalation. (Gross, 1980).

Still, based on the U.S.’ history of incredibly violent responses to labor organizing, it is probably safe to assume that if large, powerful institutions could successfully murder their most threatening whistleblowers – they would not hesitate to do so. (Dubofsky, 2017; Lipold, 2014; Walters, 2015.).



Figure: Enron (BBC)



Figure: Enron (NYT)

Overall, 99% of whistleblowers report feeling harassed, 94% report bullying that left them fearful, 89% reported confrontation and threats. 14% of whistleblowers reported being physically and/or sexually assaulted. Retaliation is expected to be more severe when the person discloses information about systemic and deep-seated wrongdoing (as opposed to isolated incidents), or when whistleblowers go

outside their organization to report to a regulator or journalist. (Garrick & Buck, 2020; Kenny, 2018).

Management will often continue to allow, if not actively enable or instigate, retaliation by coworkers. The corporation will pressure other employees to collude against and inform on the activities of the whistleblower. The whistleblower will concurrently be ostracized and shunned, with their disclosures scrutinized and minimized, in order to thwart their sense of purpose and community (factors often associated with depression and suicide). Around 50% of whistleblowers admit to thoughts of suicide. (Garrick & Buck, 2020).

One of the most psychologically devastating forms of retaliation to a whistleblower is gaslighting. The corporation wants to deflect its wrongdoing, degrade their victims, and undermine the victim's credibility as a witness. To achieve this, the institution enables reprisals and retaliation, then explains those actions away with excuses and misdirection, and then claims the whistleblower is overreacting irrationally, while also creating a mirage of concern and respect for the whistleblower. This psychological manipulation protocol intends to cause the whistleblower to question their own memory, perception, and sanity. To onlookers without context, the whistleblower appears inconsistent and unstable (Ahern, 2018; Garrick & Buck, 2020).

Retaliation by official government channels is especially problematic. Similar gaslighting is likely to occur, however public opinion will generally view those processes as fair and independent. While, in reality, those agencies were often created and captured by business interests (Martin & Rifkin, 2004). Official channels also narrow the disclosures due to statutory terms and regulatory procedure, transforming the whistleblowers experience of retaliation into an administrative and technical matter – which may be dragged out for years before commonly being dismissed without proper investigation. The institutional systems put in place to squash whistleblowers intend to leave the whistleblower, and anyone watching, to feel there was no point in ever coming forward. (Alam, 2019; Martin & Rifkin, 2004; Weinberg, 2017).

Similarly, the press has been known to publish adversarial coverage of credible whistleblowers, even on matters of great public importance. The press and pundits may participate in smears and discredit the whistleblower through racist and classist ideology, while concurrently parroting the institution's unsubstantiated statements as conclusive fact. They may also frame the whistleblower and supporters as 'conspiracy theorists' or otherwise untrustworthy, and push a hero-traitor paradigm. These tactics can be quite

intentional, fueled by professional and partisan politics, and business interests. Institutions, especially the US government, have even been known to reward journalists willing to push the institution's biased views, and punish the reporters who tell the truth. (Chomsky et al, 1988; Kein, 2007; Mistry, 2020).

Through the process of complex and holistic retaliation, a whistleblower's identity will be disrupted. In order to counter the gaslighting, the whistleblower must accept a variety of institutional betrayals and tend to their resulting moral injuries. They must reckon with a different view of the world they had before. This new knowledge of how the world really works does not fit in the existing frames and forms of society, and they must now walk in the world knowing what most do not, and wishing they never learned it themselves.

The whistleblower will avoid people and places that trigger traumatic memories and feelings of humiliation, paranoia, or despair. This is likely to include self-withdrawal from social contacts and abandoning hobbies. Most whistleblowers will also report an increase in physical pain and fatigue. 78% of whistleblowers suffer from declining physical health post-disclosure (Alford, 2002; Bryan, 2014; Garrick & Buck, 2020; Kenny, et al, 2019; Smidt & Freyd, 2018; van der Velden, et al, 2019).

Whistleblowers are embodied, relational beings – and like everyone, their minds and bodies are vulnerable to demise. The experience of whistleblower retaliation is chaotic. The identity crisis that results from the aftermath of blowing the whistle can lead to an un-doing of the person. Previously held and stable views of self are thrown into disarray, leading to an unraveling of one's identity and an experience of derealization. (Kenny, 2018; Kenny, et al, 2019; Kenny & Fotaki, 2023).

Instead of resembling the sort of rebellious, inspirational hero they are often depicted as – many whistleblowers suffer an existence comparable to Saint Sebastian (martyr) or Job (biblical figure). The media continues to personify the act of whistleblowing in the whistleblower (ignoring the institutional response), and the public often only engages with the grotesque truth if presented in beautiful aesthetic (i.e., Francisco Goya's "*Saturn Devouring his Son.*").

No one wants to accept an embodied and vulnerable person is made to suffer so severely in a sacrificial battle for the common good. (Alford, 2002).



Saturn Devouring His Son by Francisco Goya (1820-1823)

Retaliation robs whistleblowers of their identities as capable and successful professionals. Having spoken up, they are no longer seen as valid subjects deserving of basic respect, and so became targets of various kinds of retaliation and ridicule. Having spoken up, they are no longer seen as sufficiently valid to hire, and instead they are excluded from recruitment processes. They are also denied subjectivity in social interactions: they are seen as the ‘other’ and shunned by former friends. (Kenny, 2018).

This experience plunges whistleblowers into an existential crisis. The human mind works hard to avoid these crises, and may clutch on to the stigmatized, controversial identity of “*whistleblower*” as a psychic lifeline, seeing no other options for a normative identity and preferring it over “*leaker*” or “*activist*” or worse. The experience will often leave whistleblower’s minds stuck in static time and their lives paralyzed by the trauma. (Kenny, 2018).

Those who are able survive severe retaliation intact, often live the remainder of their lives in a state the Japanese refer to as “*the freedom of one who lives as already dead*” as they “*become the disaster so as not to be destroyed by it.*” (Alford, 2002, page 58).

POWER: THE DANCE OF DISSENT

In whistleblower conflicts, power is complex and circulating between the person being retaliated against and the organization who is retaliating. Some refer to this dynamic, initiated by the misconduct and whistleblower’s complaints and disclosures, along with employer’s likely responses, and then responses to those responses, the “*Dance of Dissent.*” (Martin & Rifkin, 2004).

The nature and extent of retaliation can be viewed as a balance of power between whistleblower and wrongdoer. Retaliation will likely be worse when the institution senses a threat to its resources due to the disclosure: if their exposed conduct involves harm to the public, if the legitimacy of the organization is threatened, or if the wrongdoing has already become systemic to the organization. If the organization is heavily dependent upon the wrongdoing for resources, the more a whistleblower attempts to disrupt the wrongdoing, the more the corporation will resist and retaliate. (Alford, 2002; Kenny, et al, 2019; Martin, 2003; Sumanth, 2011).

If the whistleblower is a senior employee or a key role embedded in the institution, the company is more like to make an example of the “*defector.*” Corporations may view these actors as insurgents and potential revolutionaries. In these situations, the corporate retaliation may even rise to intentional punishment, viewing the whistleblower disclosures as treason. Corporations may task their private security forces to engage in surveillance, intimidation, intelligence gathering, denylisting, propaganda, and private espionage. (Lubbers, 2012).

Individuals who are connected to the illicit actions in some ways are likely to view whistleblowers as threats to the system they are still a part of. Managers and coworkers who directly engaged in the exposed wrongdoing, or have been tacit observers to it, will have an immediate and knee-jerk response to deny or minimize the illicit behavior. Further, anyone who stands to benefit from the unethical activity is a candidate for administering punishment. (Sumanth, 2011).

Implicated individuals may be fearful of losing status, reputation, and material rewards. Faced with feelings of apprehension and helplessness caused by the thought of losing resources, individuals may see retaliation against the whistleblower as a way to prevent that from happening. Rather than risk losing the benefits they may reap from the unethical behavior, individuals are likely to try to discredit the whistleblower and the allegations, in an effort to keep the established system from unraveling. As the system continues, the potential threat of whistleblowers to this ‘house of cards’ becomes more dangerous and institutions will take various measures to dissuade anyone else from speaking out (Sumanth, 2011).

Defense of a collective identity may also trigger a negative response to a whistleblower’s actions. Group members who share strong collective identities may feel overly protective of one another, and thus, choose to retaliate against whistleblowers they view as trying to disrupt these strong ties. Blowing the whistle on something like systemic corruption can represent a perceived threat to one’s group or system. These threats, in turn, activate cognitive and

emotional processes. A norm of self-interest is likely to encourage the actor to do what is necessary to maintain the status quo (Sumanth, 2011).

Kenny et al explain that, “*Whistleblowing is an exemplar of how, in organizations, workers can “make trouble”, specifically when work-ers’ whistleblowing disclosures draw violent reprisals but they continue to speak regardless.*” Institutions design whistleblower reprisals as aggressive policing of their cultural norms and implement the retaliation through actions designed to silence the worker speaking out in defiance while generating “*chill*” that deters other, from speaking out, aiming to restore the status quo and normalize complicity. (Kenny 2024).

Finally, modern corrupt institutions tend to avoid the traditional “*open brutality*” and instead design and maintain a widespread system of positive reinforcement, including promotions and better living standards, which they use to coerce loyalty. (Gross, 1980). Coworkers are naturally fearful of receiving the retaliation they see directed toward the whistleblower. They are also instinctively drawn to protect their own identifies and communities. On top of this, they are softly lured to side with the institution through a network for rewards and positive reinforcement. The substance of the disclosures disappear, and the whistleblower becomes the only problem.

A PRECARIOUS LEDGE

Whistleblowers are dependent on institutions and infrastructures (and their relational interdependence) for their material survival after speaking up against wrongdoing. The whistleblower is under relentless pressure in precarious living conditions. After losing their livelihood, profession, and income – whistleblowers may eventually be forced to give up their fight to avoid homelessness and/or bankruptcy. Many whistleblowers will eventually lose their homes and their families, and around half will file for bankruptcy. (Kenny, et al, 2019; Kenny, et al, 2023). “*A typical fate is for a nuclear engineer to end up selling computers at Radio Shack.*” (Alford, 2002).

After making disclosures, a whistleblower’s income plummets while expenses rack up with relocation to a new home, legal costs, medical costs after losing insurance, costs for re-training in a new field, and credit fees and interest during the period of post-disclosure unemployment. The average shortfall during this period is \$32,580 a year, and for those who were fired or otherwise lost earnings, the average shortfall is \$76,291 a year. Even when whistleblowers are allowed to return to work, whistleblowers can expect their average earnings to drop 67% post-disclosure, (Kenny & Fotaki, 2023).

The time and work spent on disclosures and surviving the aftermath is entirely unpaid, unless there is an eventual lawsuit decision with compensatory damages, but that often takes years. However, the required activities of a whistleblower post-disclosure are a “*full-time, all-consuming job in and of itself.*” 97% of whistleblowers report spending more than 100 hours on disclosure-related activities & 39% report spending more than 1000 hours. Only the whistleblower has the knowledge and experience to provide lengthy and detailed descriptions of the wrongdoing and any subsequent retaliation. Such work is often carried out alone, unsupported, and uncompensated. (Kenny & Fotaki, 2023).

Because whistleblowers are usually met with character assassination and smear campaigns, in addition to managing the disclosures, whistleblowers are also forced into a self-advocacy role as a necessary defense in this time of precarity. If the whistleblower’s name was made public, a self-advocacy role is not optional and is essential to effective whistleblowing and personal survival. Time is spent seeking help from journalists, politicians, regulators, and lawyers – all of whom require different presentations of case information (Kenny & Fotaki, 2023).

If the whistleblower decides to also seek justice for the post-disclosure aftermath, it becomes a second campaign requiring as much cost and effort as the original claim. In both cases, time is required preparing for and engaging in lengthy court cases: compiling evidence, researching legal rights, studying organizational policies, assisting investigations, and advocating for political support (Kenny & Fotaki, 2023).

This time spent on disclosures might otherwise be devoted to seeking further employment, retraining, and engaging in the self-care required to mitigate the adverse health effects of whistleblowing related stress. Instead, that required work is postponed. Concurrently, whistleblowers often deny the vulnerability they experience. Many suffer severe financial loss, but prefer to hide it due to social stigma around wealth and status. Similarly, whistleblowers also find themselves coerced to subvert outward signals of their internal suffering and terror, “*in the name of effective lobbying.*” (Alford, 2002; Kenny & Fotaki, 2023).

POINTLESS IS THE POINT

Whistleblowers are an antithesis to cultures of secrecy, which are fertile for corruption due to the lack of sunlight. Whistleblowers are desperately needed, yet U.S. whistleblower protection laws (an inconsistent web of employment law protections claiming to encourage disclosures of evidence of wrongdoing by offering “*protections*” from retaliation) dependably fail to actually

protect employees and even participating in the retaliation themselves.

Existing schemes are not working for the majority they are supposed to serve and are based on flawed assumptions about the tangible and material experiences of speaking out. (Kenny & Fotaki, 2023). Some academics have gone so far to allege the current whistleblower laws are a “*cynical attempt to entrap whistleblowers in a procedural abyss*” and to fool employees into revealing their identity in order to make them easier targets for attack (Martin, 2003).

Indeed, it is a cruel lie to call these laws “*protections*” when the best they offer is a small chance of an insufficient, partial ‘remedy’ after the fact – and even that still requires years of additional abuse and subjugation to obtain. Further, once an employee goes to a regulator in the U.S., there is a significant chance the employee will face additional retaliation by the regulator on behalf of the corporation or in support of business interests generally. (Martin, 2003; Nyguyen, et al, 2015).

This societal structure of whistleblowing puts the burden on individuals to alleviate systemic informational problems. Yet at the same time, whistleblower laws focus on what is done to whistleblowers (retaliation) and frequently neglect investigation into the original issues the employee raised. When policies compel employees to put themselves at risk and fulfil their presumed ethical obligations to come forward and disclose wrongdoing, it raises a question if that compulsion is ethical due to the personal devastation that will likely follow. (Bloch-Webha, 2023, Kenny & Fotaki, 2023; Martin, 2003).

Because a successful whistleblower brings down corrupt people in high places simply by exposing information, it is foolish to not recognize the incredible risk inherent in threatening the status and livelihood of those in powerful positions, and the incentive they have to bury that information and anyone who knows about it. The bare minimum the U.S. must do today is formally criminalize retaliation against whistleblowers. The laws and precedent for such legislation already exist in prosecutions of people for obstruction of justice and for witness tampering but are rarely used outside of murder. (Edmonds & Weaver, 2006; Martin, 2003; Petruzzi & Kirshner, 2015; *United States v. Stoker*, 706 F.3d 643, 646 (5th Cir. 2013)).

A whistleblower who turned to regulators is ultimately a witness and informant, thus there is no reason the same laws that protect someone directly assisting the Department of Justice on a criminal investigation, should not apply to a whistleblower disclosing misconduct under other federal statutes. (18 U.S. Code §§ 1512, 1513).

There also needs to be an independent mechanism for this process outside of the captured labor agencies. As of now, the ability (if any) for labor agencies to refer cases to U.S. DOJ is unclear. Further, the process for seeking assistance directly from the U.S. DOJ is even more unclear and whistleblowers likely to face similar issues of capture, at least for intake, as the captured labor agencies (see for example: Brewster, 2018).

Until there is at least some deterrent for employers to stop retaliating against whistleblowers (i.e., jail time instead of a relatively small fine), we should expect the devastating experience that is destined in certain types of ‘whistleblowing’ to continue – which deters could-be whistleblowers from coming forward, instead of deterring institutions from engaging in misconduct. Further, any group encouraging whistleblowers to come forward publicly without assurances of legal and functional support, should be treated with skepticism.

CONCLUSION

Retaliation against whistleblowers is not an incidental failure of corporate governance — it is an expected function within systems engineered to suppress dissent and preserve control. The operational logic of corporate retaliation is both procedural and psychological: it seeks to isolate the whistleblower, weaponize legal ambiguity, and exhaust the resources of the dissenter before systemic critique can take root. Yet, as this analysis demonstrates, understanding the predictability of these mechanisms enables targeted countermeasures.

Through disciplined record-keeping, preemptive evidence capture, and strategic narrative control, whistleblowers and their allies can disrupt the presumed inevitability of suppression. Structural violence thrives in opacity and fragmentation; resistance grows in documentation and shared awareness. By revealing the operational logic of retaliation, this work aims to equip future actors not only to survive these systems, but to expose them, destabilize them, and ultimately, to force their reckoning.

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