

Ethics of Care in Whistleblowing Cases

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On July 12, 2007, two U.S. Apache helicopters, call sign “Crazy Horse,” opened fire on a group of men in the New Baghdad neighborhood of al-Amin al-Thaniyah, killing several people, including Reuters photographer Namir Noor-Eldeen and his driver and assistant, Saeed Chmagh. When a van arrived to help the wounded, the helicopter crew requested and received permission to fire on it as well, wounding two children inside, prompting one crew member to remark that it was “their fault for bringing their kids into a battle.” The U.S. military's official account at the time claimed its forces had been engaged in a firefight with insurgents, with Reuters spending years unsuccessfully trying to obtain the classified video through the Freedom of Information Act. In 2010, U.S. Army intelligence analyst Chelsea Manning, who had access to the footage and to hundreds of thousands of additional classified documents and diplomatic cables, leaked this material to WikiLeaks, releasing footage publicly under the title “Collateral Murder.” Manning was later court-martialed and imprisoned for the leak. This case analysis will investigate ethics of care to show that Manning acted out of loyalty to the United States, the American people, and its military to protect and answer to, and that her actions were a moral case of whistleblowing. She was motivated by genuine care and concern for those harmed but deceived by the conduct her superiors sought to conceal.

Vandekerckhove and Commers' central contribution is the concept of “rational loyalty,” a reframing meant to dissolve what many business ethicists treat as an inherent conflict between organizational loyalty and whistleblowing. Rather than locating the object of loyalty in an organization's physical or hierarchical existence, they argue the true object of loyalty is “the explicit set of mission statement, goals, value statement and code of conduct of the organization which is judged as legitimate by society”. When an organization's actual behavior diverges from the values and standards it explicitly professes, the organization itself has committed

“goal-displacement,” and loyalty to the organization's true, professed identity can require disclosing that divergence rather than concealing it. As they put it in their Volvo example, if an employee is ordered to compromise on a standard the organization has publicly bound itself to, “a loyal act here would be to blow the whistle,” because obedience to the hierarchy would itself be the disloyal act — disloyal to the object of loyalty properly understood.

Applied to Manning's case, the relevant “explicit mission statement” is not a corporate code of conduct but something with even higher standing: the oath of enlistment to support and defend the Constitution, the Law of Armed Conflict, the Geneva Conventions, and the military's own stated commitments to transparency and accountability to the civilian public it serves and to Congress. The footage Manning released showed a substantial gap between those standards and what actually occurred: the official story of a “firefight” with “nine insurgents,” contradicted by the footage itself and by every witness on the ground, none of whom recalled a firefight, and a subsequent refusal to provide the video to Reuters, which had tried unsuccessfully to obtain it through the Freedom of Information Act for years. This is precisely the pattern Vandekerckhove and Commers describe as goal-displacement: an organization's conduct, and specifically its efforts to obscure that conduct from the public and from a free press, ran counter to the standards of lawful conduct and public accountability the military claims to uphold. Under rational loyalty, the “physical” organization was not the legitimate object of Manning's loyalty; the Constitution and laws of war she swore to defend were.

Where ethics of care sharpens this analysis is in asking a further question that rational loyalty alone does not settle: loyalty to whom, understood not as an abstract mission statement but as attentiveness to actual, particular people in relationships of vulnerability and dependency. Rational loyalty tells us Manning's obligation ran to the Constitution and the public rather than to

the chain of command's institutional interests; ethics of care asks us to notice who specifically stood in a relationship of need relative to her position of privileged access: the Iraqi civilians and children killed and wounded, the journalists whose deaths were misrepresented, and the American public whose trust in official military accounts had been abused. Manning was one of very few people positioned to be responsive to these particular others; her superiors, and the institutional “mission statement” that Vandekerckhove and Commers treat somewhat abstractly, could not on their own respond to that concrete vulnerability without her act of disclosure. An ethics of care assessment therefore reframes Manning's loyalty question in more relational terms than Vandekerckhove and Commers' own framework does: the “object” she was faithful to was not merely a document but the people whose suffering that document's violation had concealed. This suggests her act was not merely rationally consistent with the military's professed values in the abstract, as Vandekerckhove and Commers would frame it, but also responsive to the felt, particular claims of people she was uniquely positioned to help by disclosing what had happened to them.

Oxley and Wittkower's central move is to reject the idea that loyalty is a duty or obligation flowing from contract, fiduciary relationship, or oath, and to redefine it instead as “an expression of care and concern for others”. On this account, whether loyalty is appropriate tracks whether the object of that loyalty is itself caring: “the propriety of employee loyalty tracks the extent to which a corporation's interests are themselves caring. The more that a corporation's goals, interests, and practices express care for consumers, the environment, and its own employees, the more an employee should care for and be loyal to that corporation.” Where the organization instead engages in what they call “uncaring activities” toward those it affects, loyalty properly redirects toward those harmed rather than toward the institution itself. Further, Oxley and

Wittkower explicitly treat whistleblowing as a possible expression of what they call critical loyalty: an employee who “raises objections to the current practices” of an organization because she “genuinely cares for and its well-being” is not being disloyal but is exercising Hirschman's category of “voice” rather than “exit”, while still working to correct its failures.

Applied to Manning's case, the object of her loyalty was not a corporation but the United States military and, through it, the constitutional and legal order the military exists to serve. Oxley and Wittkower's framework asks whether this object was, in the relevant instance, itself “caring”, due to the footage Manning released depicts the opposite: the crew's dismissive reaction to wounding children (“it's their fault for bringing their kids into a battle”), the killing of clearly identifiable Reuters journalists, and a chain of command that issued a false public account of a firefight against a hostile force and then stonewalled Reuters' years-long Freedom of Information Act requests for the footage. Measured against Oxley and Wittkower's standard, the specific conduct Manning was loyal to was not conduct that expressed care for the Iraqi civilians affected by it, for the journalists killed, or for the American public being misled about what had occurred. This does not mean the military as an institution is entirely incapable of care, any more than a flawed corporation is wholly incapable of it. However in this case, care ethics assesses the actual conduct disclosed, not the institution's abstract mission, and that conduct falls short of what would make continued silent loyalty to it appropriate.

This is where Oxley and Wittkower's concept of critical loyalty becomes useful for assessing whether Manning's disclosure was itself a caring act, and where a complication also emerges. On one hand, their framework validates the instinct that a person who discloses wrongdoing out of concern for those harmed by it — rather than out of indifference or self-interest — is expressing a form of loyalty to the better possibilities of the institution she serves, much as “the

caring loyal person has faith in the organization's better possibilities, and will work to improve the corporation... out of loyalty to it.” Manning's own stated rationale, that the public deserved to know what had been done in its name, fits this model: her act was oriented toward care for the specific, particular people affected by the military's conduct — the civilians harmed, the journalists killed, and the American public being deceived — which is precisely the kind of attentiveness to concrete others that care ethics privileges over abstract, impartial duty. On the other hand, Oxley and Wittkower's own preferred model of critical loyalty is explicitly framed around Hirschman's distinction between “voice” (working for change from within) and “exit” (leaving or going outside the relationship entirely), and their examples of legitimate critical loyalty involve employees raising objections internally first. Manning did not exhaust internal channels before disclosing to WikiLeaks and, through it, the public. Her act resides closer to “exit” than to the internal “voice” that illustrates loyalty-consistent whistleblowing.

In conclusion, Vandekerckhove and Commers' concept of rational loyalty and Oxley and Wittkower's account of loyalty as care point toward the same conclusion from different directions. Rational loyalty establishes that Manning's obligation ran to the Constitution and laws of war the military claims to serve, not to the chain of command that concealed its violation of them; ethics of care sharpens this into a relational claim, showing that Manning's disclosure was an act of attentiveness to the particular, vulnerable people harmed by that concealment. On both grounds, Manning's leak was an expression of loyalty properly understood, and because it was motivated by care for those harmed rather than by indifference or self-interest, it was a moral case of whistleblowing. The most serious objection to this conclusion is the one Oxley and Wittkower's own framework raises: Manning went straight to “exit,” releasing the material to WikiLeaks and the public without first exhausting internal channels of dissent, the kind of

“voice” that both authors treat as the paradigm case of loyalty-consistent whistleblowing. But it does not fully undermine the argument. The wider implication is that care ethics, for all its use here, may need further development to handle whistleblowing within institutions where internal channels are structurally weaker or compromised than in standard workplace relationships. Recognizing limitations doesn’t defeat Manning’s case of loyalty and the morality of her whistleblowing; it simply marks where the theory’s account of “voice” needs to be adapted to less ordinary institutional settings.