

In 2007, a video produced by the United States Military was leaked to the public. The leaked military video showed a United States helicopter firing at Iraqis who were believed to have weapons and be a danger to United States military troops. A group of Iraqis and Reuter news agency staff were spotted in a Baghdad neighborhood. The United States sent Apache helicopters in response to identify the unknown individuals, and before confirming their threat level, began asking for permission to engage in combat. The engagement was approved, and by the end, more than a dozen Iraqis were killed (multiple of which were innocent bystanders) and a handful of others, including children, were injured – hence the name “Collateral Murder”. The video outlined the process before, during, and after the engagement took place and exposed the inappropriate language and attitude United States troops have in the face of danger. In this Case Analysis, I will argue that the contractarianism moral tool shows us that Manning did act out of loyalty to the United States, and that her actions were a moral case of whistleblowing.

Can an individual be loyal to an organization while still blowing the whistle? This debate has been around for decades and continues to be questioned. Whistleblowing, inherently, appears to be something that shows the opposite of loyalty – but Vandekerckhove and Commers found that whistleblowing is one of the highest forms of loyalty. They do this by redefining loyalty and expanding on their idea of rational loyalty, or a form of loyalty that “demands an employee to be loyal to the organization identified in and through the explicit mission statement” (Vandekerckhove et. al., 2004). Ultimately, by defining loyalty in this way, Vandekerckhove and Commers finds that an employee to an organization does not owe loyalty to the organization itself, but rather the public goals and mission statements presented by the organization. Having defined loyalty in this way, Vandekerckhove and Commers both call for the institutionalization of whistleblowing. They find that if an organization exhibits behavior that runs counter to the behavior they describe within their mission statement, then it calls for the employee to blow the whistle because it is the morally correct thing to do. Since the employee is loyal to the mission statement, they continue to remain loyal while blowing the whistle because they are urging for the organization to change their behavior and continue to follow the path of their public mission statement. This is one of the utmost forms of loyalty, according to Vandekerckhove and Commers, because when one is loyal, they want to do anything they can to make their object of loyalty better, and whistleblowing is one way to do that.

Having said all of this, Vandekerckhove and Commers definition of rational loyalty states that Manning has loyalty to the mission statement of the United States military rather than the military itself. According to the Department of Defense, their mission is “to provide the military forces needed to deter and win wars and to protect the security of our country and our allies”. Not only is the United States claiming to be responsible for its own citizens, but additionally, its allies – and the United States has no closer ally than the United Kingdom. Within the footage, two new agency staff members who work for a United Kingdom-based news company were killed. Additionally, the military officers talking in the footage spoke as though it was a video game – using inappropriate language at the expense of others. Not only does the footage displayed not show an instance of protection for the United States or its allies, but it also goes beyond “collateral murder” and is borderline opposing our own amendments – “cruel and unusual punishment” specifically. With this in mind, Manning did act out of loyalty for the United States when she publicly released this footage. Additionally, her actions constitute a moral case of whistleblowing because she acted out of interest for the mission statement rather than her own selfishness.

We can continue to evaluate the actions of the officers and Manning's whistleblowing by considering the social contract between Manning, the United States military, and members of society. These social contracts range depending on situations, and in terms of Manning – she has a duty to uphold the ideals of the United States military, but also protect the interests of members of societies. As with the United States military who must uphold their own ideals and protect the interests of its officers and members of society. These officers continue to go against the social contract put in place but acting selfishly, instead of considering the consequences and scenario they were placed in. It was entirely possible for them to consider their surroundings to best protect bystanders (who, one could argue, can be constituted as allies because of their inaction on the battlefield and lack of choice on whether or not action takes place) and continued to act out of best interest for the United States and its citizens.

Like Vandekerckhove and Commers, Oxely and Wittkower explore a different definition of loyalty, one that is based on the ethics of care, to justify the loyalty embedded in whistleblowing. Oxely and Wittkower define loyalty as something that requires feelings from both parties and goes beyond the contractual agreement that takes place in the company. For a company, an entity that is seemingly uncaring, to receive loyalty from an employee, it can demonstrate awareness and appreciation between itself and its employees. By listening to the employees, and being aware of them as agents, then it's possible for an employee to develop loyalty. Additionally, for someone to show loyalty to a company, they do more than what was contractually obligated of them. It's going beyond the fiduciary duty of obligation. What differentiates Vandekerckhove and Commers from Oxely and Wittkower, is that the latter go on to explain the possibility of being loyal to a company with immoral goals – at the end of it all, they believe that loyalty is simply defined by the care between two bodies. They use this definition to explain how whistleblowing is, once again, amongst the highest forms of loyalty because it shows concern for the object of loyalty and the strong desire for them to better themselves.

Based on Oxely and Wittkower's definition of loyalty, Manning can remain loyal to the United States because of that feeling of care and concern she houses them for. Rather than choosing to "exit", she chooses to be a "voice" of reason (as presented multiple times in Oxely and Wittkower's paper). While it's unclear if Manning presented these concerns to higher authority before blowing the whistle, it does exhibit loyalty to the United States. By blowing the whistle, Manning shows concerns and desires for the United States military to better themselves and become aware of their actions and the consequences that occur from them. Contractarianism states there is an unspoken contract between the United States military and members of society, and that contract, roughly, could be defined as the protection of these members' lives and best interests. Additionally, it poses as a political theory and a moral theory – as it constitutes what can be considered moral and gives legitimate authority to the government from the consent of the governed.

Contractarianism basically states that the government can only do what they do because the people allow them to. So, we can ask – did the officers act out of the best interest for these members of society when they were given the order to engage? Based on the video, these officers acted out of personal interest and eagerness, rather than the interest of society and those they are meant to be protecting. Before a definite threat level was determined, they continued to ask for permission to engage – and after engaging, made a handful of inappropriate remarks and laughed at their actions. Their actions go against the social contract between the United States military

and members of society, further proving Manning's loyalty by whistleblowing. Not only that, but their actions push the boundaries of the United States government by leaving room for members of society to question their authority – had they realized the position they were in sooner, they would realize their actions are only constituted as good and legitimate because of society's response. Thus, they would've begun their engagement by first considering the best interest of the people and responding appropriately – they could have done this by evaluating the scene much better and ignored their eagerness to engage.

It can be understood, with the two papers presented by Vandekerckhove and Commers and Oxely and Wittkower, that whistleblowing and loyalty go together and do not oppose each other like most people tend to believe. Manning was able to remain loyal to the United States while still showing concern and blowing the whistle for the injustice she witnessed. She was not being disloyal to the United States and was in fact exhibiting more loyalty by showing concern for their mission statement and pushing for them to improve. It can be argued that the officers in the video acted out of caution, because there is a possibility that those they killed were a threat to the United States and its allies, and thus they do uphold the social contract and their mission statement. While it's true that these individuals must be prepared for everything, even if the people they targeted were seen as a threat and were proven to be a threat, their actions after the fact justify their immorality. As stated multiple times in the paper, their inappropriate language and eagerness to engage push them beyond “doing what's right for the public's interest” and into territory featuring their own pleasure.