

# The performance of shock and the ubiquity of cover-up

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*The Jimmy Savile case elicited shocked reactions*, not only because of the crimes allegedly committed but also because of the suspicion of a ‘cover-up’. For some it was easy to draw the conclusion that the BBC decision not to air its own *Newsnight* investigation was a craven attempt to avoid reputational damage. The further suspicion, that there was now a cover-up *of* the cover-up, generated predictable anger (Revoir and Greenhill, 2012; Hope and Rayner, 2012). It is too early to judge whether these suspicions are well founded. Child sexual abuse is difficult to establish. Victims are reluctant to come forward and easy to dismiss. It may have been judged that there wasn’t enough evidence to act. Savile moreover was for many a ‘national treasure’. He was almost a national charity worker-in-chief. On some accounts, he had even acted as an unofficial marriage guidance counsellor to royalty.

But if we suppose that there *was* a cover-up - a deliberate concealment or disguising of damaging information - it can hardly be said to have been an isolated or even rare matter. Cover-ups are familiar elements of recent scandals. Recent months alone have revealed organisational attempts to mask or neutralise past acts or omissions. The Independent Inquiry into the 1989 Hillsborough disaster definitively exposed police alteration of evidence and denigration of victims. The Leveson Inquiry treated the public to the tortuous exposure of organisational deceit. Some appearances before Leveson and at Select Committees were master classes in deflection - textbook combinations of shocked denial and innocent ignorance. Whilst the Libor scandal generated less popular heat, it too raised questions of how extremely serious organisational ‘wrong-doings’ were kept secret. In each of these instances, scandalised tones were directed not only at the original behaviours, but also at the arrogant insouciance with which they were covered up.

There is disingenuousness here. At the most cynical level, ‘cover-up’ is necessary for the authorities. It allows them to explain why they did so little. Bewildered ‘shock’ and humility are (more or less convincingly) performed. That erstwhile respectable, indeed ‘elite’ individuals could have been so lacking in integrity, ‘business ethics’ and (we might add) basic critical faculties, has seemed over recent months, almost too much for some to bear. More importantly, whilst the denial of dangerous or merely inconvenient truths is shocking - it cannot be said to be surprising. Economy with the truth has become an absolutely central feature of contemporary life. Deceit could hardly be more *unsurprising*. We could all add to the grand examples above. The deadly truth about asbestos was denied for the best part of a century and millions will ultimately die (Egilmann, 1998; Warren, 2002). Public relations firms routinely minimise the social and environmental destruction wrought by their corporate clients (Birkland and Nath, 2000). The US and UK governments waged war on Iraq on the basis of meticulous falsehoods. Continued global interventions are legitimated by misleading constructions of drug wars (Corva, 2008; Mercille, 2011a; 2011b). Lessons in misinformation are set from the very top.

Cover-ups commonly draw on public relations expertise, but they also require the silence of ‘knowing’ subordinates. At a lower level most of us know this. It has become integral to most employee roles, to promote or protect corporate image and to play one’s part in managing ‘reputational risk’. Career progression requires immersion in organisational beliefs and cultures. In an era of ‘bring me solutions not problems’ management styles it means emphasising the good news and minimising the bad. Organisations seek to elicit ‘loyalty’ but they also have the power to punish. This is an obvious but crucial point. Bewildered outrage at the exposure of the retrospectively obvious frequently

involves the implausible notion that individuals might be expected to risk their entire futures by 'blowing the whistle' in service of higher loyalties to law, ethics or public interest. In a world where common individuals are merely expendable factors in production and their leaders almost never take responsibility for the misdeeds of their organisations, such a notion is fanciful.

Discussing the Enron scandal - a corporate collapse involving losses of upwards of \$60 billion - Beu and Buckley (2004) note that unlike military perpetrators of 'crimes of obedience' those implicated were not soldiers under military law. They were 'well educated men and women in the private sector who should [have] know[n] they ha[d] a choice in how they behave[d]. It [wa]s not illegal for them to challenge the legitimacy of authority' (*ibid*: 553). But under contemporary management regimes even these sorts of individuals may face stark choices when faced with clashes between ethics and management ire. It is not a question of having a *legal* right to challenge authority. Intra-organisational competition between employees (in so-called 'stacking' systems for example) renders employees dependent on the continued favour of managers for their livelihoods (Kulik *et al.*, 2008). Readers' responses to a recent *Guardian* piece on contemporary managerialism (Caulkin, 2012) included dozens of exasperated, disillusioned contributions (with many from higher education). One contributor emphasised the disjuncture between rhetorics of political 'freedom' and realities of corporate feudalism. In contrast to the insignificant time people spend in 'public' or 'civic' activities s/he wrote:

...many people spend most of their waking hours ... in a system which is like something out of the Low Middle Ages. They are beholden to the whim of local lords (middle managers), barons (executives) and the head honcho at the top struggling to keep the barons in check. Outside of a limited system of redress, which even serfs had, people on the lower rungs are required to self-censor their opinions, fit in with corporate culture, be moved around like cattle in pointless reorganisations, and when they do complain they run into the barons' enforcement team, the dreaded human resources who cannot understand why their workers aren't performing at their highest pitch in a system that should have gone the way of Charles I.

Within this context employees may be required to attain objectives which - whilst employers would dramatically recoil from suggestions that they would sanction 'illegitimate' behaviour - cannot be met legitimately. In turn, complicity with organisational deviance makes it all the more likely that employees will stay silent about 'marginal' or criminal practices. Situations emerge where everybody *actually* 'knows', except somehow, senior managers, regulators and other authorities. Sometimes this may be attributable to the effectiveness with which practices are disguised (see Gray, 2006 in relation to workplace safety inspections for example). In the worst cases it may be that those responsible for oversight and regulation themselves have vested interests in maintaining a silent acquiescence. The financial incentives for accountants Arthur Anderson to maintain lucrative contracts with Enron, for example, were implicated in its signing off of disastrous and ruinously misleading accounts. At other times it can only be ventured that regulators display 'shocking' degrees of naivety. Glenys Stacey, the Chief Regulator for Ofqual, was 'shocked' to find that 'under-pressure teachers' inflated marks to boost GCSE pass rates in summer 2012 (Walker, 2012). It has to be asked - was anybody else shocked? Especially, was anybody else who happened to be working in education shocked?

Cover-up of chronic or acute mishap and misdemeanour is greatly assisted when people really do not want to hear. There is a long history of cases where even the powerful formal apparatus of official inquiry fails to excavate truth (see for example Knowles, 2003; Rolston and Scraton, 2005). At the public level it might be considered ironic, that whilst 'elite' figures purported outrage at the findings of the Hillsborough Independent Inquiry they had missed accounts of exactly the same behaviour in Lord Justice Scott's 'Scrutiny' a decade earlier. At the more everyday level, the effects of employees' careful filtering of information travelling upwards can be exacerbated by senior management attempts to insulate itself from lower level 'mistakes' through distancing, or 'decoupling'

itself (Monahan and Quinn, 2006). There may be significant limits to what authorities, shareholders and senior management want to know and significant interest in plausible ignorance (see for example in relation to the 2008 financial crisis in Davies and McGoey (2012) and Engelen *et al.*, (2012)). Whole edifices can be built on mutually sustaining deafness and denial as organisations come to believe in their own fantasy worlds (Hopfl, 1994). Whilst this might involve serious medium and long-term risks, these can be of little consequence for decision-makers who are judged on short-term performance.

The sexual abuse of children by adults is almost certain to be covered up by abusers themselves (although the letter reportedly sent by DJ John Peel to a child he allegedly had sex with in 1969 is an interesting counterpoint - he (and some have concurred) clearly did not consider himself to have been an abuser (Eccles, 2012). The evidence of abuse cases 'in care' or in religious organisations indicates that *organisational* denial might reinforce this. In such cases analysis needs to extend beyond specific forms of criminality. Sex crimes against children have their own dynamics of secrecy and power. But organisational denial is not confined to these harms alone. 'Respectable' organisations, public, private and 'third sector', long ago proved their capacities to lie, deflect and distort even at massive cost to human life. And being at ease with untruth is something increasingly commonly required. Perhaps the reason 'cover-up' is so emotive is that actually, not so deep down, we know this.

## References

Beu, D.S. and Buckley, M.R. (2004) 'This is war: How the politically astute achieve crimes of obedience through the use of moral disengagement', *The Leadership Quarterly*, 15(4) 551-568.

Birkland, T.A. and Nath, R. (2000) 'Business and political dimensions in disaster management', *Journal of Public Policy*, 20(3) 275-303.

Caulkin, S. (2012) 'Management theory was hijacked in the 80s. We're still suffering the fallout', *The Guardian*, 12 November, Available at: [www.guardian.co.uk/commentisfree/2012/nov/12/management-theory-hijacked](http://www.guardian.co.uk/commentisfree/2012/nov/12/management-theory-hijacked) [Accessed 30 November 2012]

Corva, D. (2008) 'Neo-liberal globalization and the war on drugs: Transnationalizing illiberal governance in the Americas', *Political Geography*, 27(2) 176-193.

Davies, W. and McGoey, L. (2012) 'Rationalities of ignorance: On financial crisis and the ambivalence of neo-liberal epistemology', *Economy and Society*, 41(1) 64-83.

Eccles, L. (2012) 'My three-month affair with John Peel when I was 15: Woman claims she had sex with DJ while under age', *Daily Mail*, 12 October, Available at: [www.dailymail.co.uk/news/article-2216453/John-Peel-got-pregnant-I-15-Woman-claims-month-affair-DJ.html](http://www.dailymail.co.uk/news/article-2216453/John-Peel-got-pregnant-I-15-Woman-claims-month-affair-DJ.html) [Accessed 30 November 2012]

Egilmann, D. Wallace, W. and Horn, C. (1998) 'Corporate corruption of medical literature: Asbestos studies concealed by W.R. Grace & Co.', *Accountability in Research*, 6(1-2) 127-147.

Engelen, E., Erturk, I., Froud, J., Johal, S., Leaver, A., Moran, M. and Williams, K. (2012) 'Misrule of Experts? The Financial Crisis as Elite Debacle', *Economy and Society*, 41(3) 360-382.

Gray, G.C. (2006) 'The Regulation of Corporate Violations: Punishment, Compliance and the Blurring of Responsibility', *British Journal of Criminology*, 46(5) 875-892.

Hope, C. and Rayner, G. (2012) 'Jimmy Savile: BBC's lawyers blocked emails on decision to drop Newsnight expose', *Daily Telegraph*, 22 October, Available at: [www.telegraph.co.uk/news/uknews/crime/jimmy-savile/9626257/Jimmy-Savile-BBCs-lawyers-blocked-emails-on-decision-to-drop-Newsnight-expose.html](http://www.telegraph.co.uk/news/uknews/crime/jimmy-savile/9626257/Jimmy-Savile-BBCs-lawyers-blocked-emails-on-decision-to-drop-Newsnight-expose.html) [Accessed 30 November 2012]

Howell, G. and Miller, R. (2006) 'Spinning out the Asbestos Agenda: How Big Business uses Relations in Australia', *Public Relations Review*, 32(3) 261-266.

Knowles, S.G. (2003) 'Lessons in the Rubble: The World Trade Center and the History of Disaster Investigations in the United States', *History and Technology* 19(1) 9-28.

Mercille, J. (2011a) 'The US "War on Drugs" in Afghanistan: reality or pretext', *Critical Asian Studies*, 43(2) 285-308.

Mercille, J. (2011b) 'Violent narco-cartels or US hegemony? The political economy of the "war on drugs" in Mexico', *Third World Quarterly*, 32(9) 1637-1653.

Moerman, L. and van der Laan, S. (2007) 'Pursuing Shareholder Value: The Rhetoric of James Hardie', *Accounting Forum*, 31(4) 354-369.

Monahan, S.C. and Quinn, B.A. (2006) 'Beyond "Bad Apples" and "Weak Leaders": Toward a Neo-institutional Explanation of Organizational Deviance', *Theoretical Criminology*, 10(3) 361-385.

Revoir, P. and Greenhill, S. (2012) 'Now BBC "censors" Savile emails: Lawyers pull messages hinting at a cover-up from Panorama documentary into sex scandal', *Daily Mail*, 23 October, Available at [www.dailymail.co.uk/news/article-2221644/Jimmy-Savile-scandal-BBC-censors-Newsnight-documentary-emails.html](http://www.dailymail.co.uk/news/article-2221644/Jimmy-Savile-scandal-BBC-censors-Newsnight-documentary-emails.html) [Accessed 29 November 2012]

Walker, P. (2012) 'Teachers pushed to limit overmarked English GCSEs, says Ofqual', *The Guardian*, 2 November, Available at: [www.guardian.co.uk/education/2012/nov/02/english-gcses-overmarked-says-regulator](http://www.guardian.co.uk/education/2012/nov/02/english-gcses-overmarked-says-regulator) [Accessed 25 November 2012]

Warren, R.C. (2002) 'The Responsible Shareholder: A Case Study', *Business Ethics*, 11(1) 14-24.

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