



Daily Mains Answer Writing (Day - 18)

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Case Study - UPSC GS 4 – 2018

- Edward Snowden, a computer expert and former CIA administrator, released confidential Government documents to the press about the existence of Government surveillance programmes. According to many legal experts and the US Government, his action violated the Espionage act of 1971, which identified the leak of State secret as an act of treason. Yet, despite the fact that he broke the law, Snowden argued that he had a moral obligation to act. He gave a justification for his “whistle blowing” by stating that he had a duty “to inform the public as to that which is done in their name and that which is done against them.”
- According to Snowden, the Government’s violation of privacy had to be exposed regardless of legality since more substantive issues of social action and public morality were involved here. Many agreed with Snowden. Few argued that he broke the law and compromised national security, for which he should be held accountable.
- Do you agree that Snowden’s actions were ethically justified even if legally prohibited? Why or why not? Make an argument by weighing the competing values in this case (250 words, 20 marks).

Laws are usually in congruence with ethics as the purpose of making any law is the enforcement of societal morality. But sometime laws may come in conflict with the morality of an individual and this creates ethical dilemma.

- Ethical Dilemmas involved in this case study –
 - Truth versus loyalty towards CIA
 - Trust and credibility of the government
 - Virtues of empathy and compassion towards citizens whose right to privacy has been violated •
 - Conscience versus professional conduct
 - International image of nation versus justice to citizens
- If Edward Snowden would have followed the Espionage act of 1971 and did not leak state secret then –
 - Followed professional ethics and contract.
 - Loyal to his organization, CIA.
 - Not allegedly put national security in jeopardy.
 - International reputation of his government would not have been marred.

However, stand of Snowden can be justified based on following ethical principle –

- As he was External whistleblowing was done only after resigning from the job (former CIA administrator given in case). (Wrong Point)
- Gandhiji advocated for breaking the unjust law. He said, “An unjust law is itself a species of violence”.
- As per the Rousseau’s social contract theory people do give up some of their rights to the sovereign power to protect rest of their rights. However how much right has to be given up will be decided by people. In this case permission of surveillance will have to be taken by government; otherwise social contact will be broken.
- Socrates also advocated for “speaking truth to power” if sovereign authority is using power in an unjust manner.
- This will also enable value of transparency and accountability in administration. In short term, this action of Edward Snowden may harm the interest of nation but in long term, it will only benefit the country in form of good governance.

- Based on above analysis, Snowden's actions were ethically justified even if legally prohibited. Government cannot break the trust reposed by people. If such surveillance is in national interest then government must pass a law on it and inform people. This will ensure apolitical use of it, only for national interest.
- Mahatma Gandhi has rightly said: "Morality is the basis of things and truth is the substance of all morality."