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Q7

Case study. 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 secrets 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 "whistleblowing" 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).

UPSC Civil Services Mains 2018 · GS IV · 20 marks · Ethics Case Studies

Case Studies on above issues.

Core demand of the question

- Edward Snowden leaked government surveillance programmes. The leak broke the **Espionage Act**, yet he claimed a moral duty to tell the public what was done in their name. Weigh competing values: were his actions ethically justified even if legally prohibited?

Revision summary

Snowden broke secrecy law to expose mass surveillance and claimed a duty to the public.

Stakeholders include the surveilled public, agencies, oversight bodies, journalists and persons exposed in a wider dump.

Values in clash are privacy, security, democratic consent, oath and the rule of law.

A leak is ethically defensible only as last-resort, proportionate, evidence-based disclosure of a grave abuse.

The core surveillance warning can meet that test; an unfiltered spill and unaccountable flight weaken it.

Legality is not the whole of ethics, and ethics is not a free pardon.

Introduction

Snowden exposed secret mass-surveillance programmes and broke United States secrecy law. The case is not a fan debate. It is a clash among privacy, security, democratic consent, loyalty and the rule of law.

Body

Stakeholders

- The public whose communications were collected, including people who were not suspects.
- Snowden as employee, contractor and citizen who took an oath of secrecy.
- Intelligence agencies and the United States government, charged with preventing attacks.
- Other States and persons named or exposed in the wider document dump.
- Courts, Congress and oversight bodies that were meant to watch the programmes.
- Journalists who received and filtered material.
- Allied governments and their publics, whose data rode on the same pipes.

Ethical issues and competing values

- **Privacy and dignity:** secret bulk collection treats a population as a haystack, which sits badly with a free society's idea of the person.
- **National security and non-maleficence:** methods, partners and ongoing operations can be harmed if disclosure is crude.
- **Democratic accountability:** a programme done "in the people's name" without a meaningful public or even legislative grasp lacks consent.
- **Rule of law:** the **Espionage Act** forbids the leak. Conscience does not, by itself, repeal a statute.
- **Fidelity and oath:** a cleared insider is not a freelance philosopher; the job is built on confidentiality.
- **Proportionality and last resort:** **whistle-blowing ethics** asks whether internal inspectors, committees and courts were tried, whether the disclosure was limited to the abuse, and whether the person accepts legal risk rather than a private bargain with a rival State.
- **Integrity of information:** dumping more than the abuse, if that occurred, mixes public interest with collateral harm.

Options

- **Option 1:** Treat any leak of classified material as ethically forbidden.
- **Merit:** protects sources, methods and a professional secret service.
- **Demerit:** leaves no moral language for a secret that has become a system of suspicion against the innocent, with captured oversight.
- **Option 2:** Treat Snowden as simply a hero and ignore legality and collateral.
- **Merit:** names the privacy harm.
- **Demerit:** erases oath, allied harm, and the difference between a filtered public-interest leak and a data spill.
- **Option 3:** Weigh justification as last-resort, proportionate disclosure to the public through serious journalism, while still facing legal process.
- **Merit:** holds both privacy and law in view.

- **Demerit:** reasonable people will still disagree on whether his actual path met the test.

Values, action and judgement

- I do not treat legality as the whole of ethics. Unjust secret programmes can create a moral remainder.
- I also do not treat every illegal leak as a virtue. Whistle-blowing is justified only when the wrong is grave, evidence is real, internal and legislative paths are blocked or captured, disclosure is minimised to the abuse, and the whistle-blower does not sell the rest to an enemy service.
- **On privacy versus security:** security is a public good; bulk suspicion without adequate law and oversight is a different good, closer to domination.
- **On Snowden:** the core revelation of bulk collection served a public that could not consent to what it did not know. That part has a strong ethical claim, later echoed in court and legislative argument in several democracies.
- The claim weakens where the dump risked operations or persons beyond the abuse, and where asylum politics mixed with the moral story.
- Ethically, a justified whistle-blower still stands trial or a public legal process; flight can be understood as fear, but it is not a full substitute for accountability.
- Therefore: legally prohibited, partly ethically defensible as a last-resort warning about mass surveillance; not a blank cheque for every classified taking; competing values are not solved by a flag or by a prison slogan alone.

What a similar officer in India should do

- Use the **Whistle Blowers Protection Act, 2014** channels, the competent committee, and, where rights are at stake, courts.
- Do not dump an unfiltered archive on the internet.
- If every door is captured, a narrow disclosure to a responsible forum remains the ethical last step, with a file of failed internal attempts.

Flow diagram

Secret bulk surveillance -> Privacy versus security
 Privacy versus security -> Internal oversight
 Internal oversight -> Captured or blind oversight
 Captured or blind oversight -> Narrow public-interest leak
 Unfiltered dump -> Collateral harm
 Espionage statute -> Legal cost remains

Conclusion

Privacy, security, consent and law all have weight. Snowden's core warning about bulk surveillance can be ethically defended as last-resort speech to a public that had not consented. The same defence does not cover careless spill or a cult of the leaker. Law-breaking remains a cost, not a costume.

Facts & figures

Edward Snowden, 2013

A former CIA and contractor insider who disclosed documents on United States and partner surveillance programmes to journalists.

Espionage Act (US)

The United States statute used to treat unauthorised disclosure of national-defence information as a serious crime; the paper's 1971 wording refers to that secrecy-criminal frame as used in debate.

Whistle-blowing ethics

Standard tests: grave wrong, evidence, failed internal channels, proportionate disclosure, and willingness to face lawful process.

Whistle Blowers Protection Act, 2014

India's statute for disclosing corruption in public bodies through prescribed channels; it is the first door for a similar Indian officer.

Right to privacy

In India, Justice K.S. Puttaswamy (Retd) v. **Union of India (2017)** recognised privacy as a fundamental right, which is the value bulk surveillance must answer.

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