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**Whistle-Blowing**

**Introduction:**

Edward Snowden, an American computer professional and former Central Intelligence Agency (CIA) employee, has been on the run for the last 3 years after whistle-blowing National Security Agency (NSA) in 2013. Whistle-blowing, a term coined by Ralph Nader in 1970s, has become a more accepted practice in our society nowadays.

Whistle-blowing is the voluntary release of non-public information, as a moral protest, by a member or former member of an organization outside the normal channels of communication to an appropriate audience about illegal/immoral conduct in the organization that is opposed in some significant way to the public interest.

There are several points to observe in this definition.

* Can be done only by a member/ex-member of an organization.

-It is not whistle-blowing if a reporter uncovers some illegal practices in a corporation to expose it in print.

* There must be information.

-Merely to dissent publicly with an employer is not blowing the whistle.

* Information is generally evidence of some misconduct.

-Merely leaking information to influence the course of events is not counted as whistle-blowing.

* Information must be released outside normal channels of communication.

-An employee who follows established procedures for reporting wrongdoing is not a whistle-blower.

* Releasing information must be voluntary.

-It is not considered whistle-blowing if the release of information is legally required.

* It must be undertaken as a moral protest to correct some wrong, not to seek revenge

-The would-be whistleblower should be an ethical person not someone looking for a big payday

**Whistle-Blowing and Ethics:**

Whistle-blowing is a big issue in the world today when it comes to the issue of privacy. It is often argued as to whether a whistleblower can be seen as a hero or a traitor.  
The big question is **“Is whistle-blower an ethical person?”**   
The answer may vary from person to person depending on their definition and pursue of cultural and professional ethics, their scope and limitations.

On a general ground, Ethics refer to principles, moral, beliefs, duty, conduct and code. An ethical person is one who possess strong character traits built on courage and informed by the belief that integrity is the backbone of ethical decision-making. A would-be-whistleblower is willing to stand his/her ground even in the face of pressure from higher-ups to stay silent. It’s not because of the possibility of receiving a whistleblower’s award. . Instead, the whistleblower believes in principled behavior and leads his/her life in accordance with ethical values.

The [act of whistleblowing](http://www.csrwire.com/csrlive/commentary_detail/4607-The-Whistleblower-Sex-Trafficking-Military-Contractors-and-One-Woman-s-Fight-for-Justice) can cause a conflict of interest between the personal, organizational and societal spheres. Much of this conflict stems from the context in which a whistleblower is viewed: whether as someone sharing knowledge of misconduct for the benefit of others or as someone who is acting “disloyal” to their organization.

**The Loyal Agent Argument:**

Whistle-blowing brings two moral values, loyalty and fairness, into conflict.

According to the Loyal Agent Argument, an employee is an agent of an employer, a principal. An agent is a person who is engaged to act in the interests of another person and is authorized to act on that person’s behalf. This relationship is typically of professional who are called upon to use their skills in the service of the clients.  
The ethical basis of the duty of agents is a contractual obligation or an understood agreement to act in the interest of another person. For instance, lawyers agree for a fee to represent clients, and employee are similarly hired with the understanding that they will work for the benefit of the employer.

As quoted by Sissela Bok, “The whistleblower hopes to stop the game, but since he is neither referee nor coach, and since he blows the whistle on his team, his act is seen as a violation of loyalty.”

Loyalty is a powerful ethical value and may inhibit a would-be-whistleblower from coming forward. However, there are numerous examples where loyalty trumped higher ethical values, such as honesty and integrity, with the result being that financial fraud was not disclosed with devastating results for shareholders such as the case of Enron and WorldCom.

Whistle blowing is not something to be done without adequate justification, but at the same time, it is not something that can never be justified. The law of agency does not impose an absolute obligation on employees to do whatever they are told. Rather, an agent has an obligation to obey all **reasonable** directives of the principal. The law of agency further excludes an obligation to keep confidential any information about the commission of a crime.

**Justification:**

The ‘Broken Windows’ theory supported by former Mayor of New York, Rudolph Giuliani, promotes an ideology where communities will report or fix a broken window. This means rectifying even the smallest incidents of wrongdoing, thereby instilling similar responsibilities in others and creating a better environment for all. Advocating whistle-blowing within organizations follows a similar premise.

Whistle-blowing is a valuable tool in any organization’s corporate governance strategy because it empowers employees to act on incidences of misconduct and help maintain a safe workplace, while protecting profits and reputation.

It could be debated that it is inappropriate for human nature to be disloyal to an administrative organization as it is his/her duty to work for the organization which is composed of so many different people both superior and inferior to him/her. This dehumanizing environment could distort the whistleblower’s perception of their relevance within a company or their ability to influence change, thus degrading their sense of responsibility and motivation to report.

The following should be considered before blowing the whistle:

* Situation should be of sufficient moral importance
* Significance of the facts should be properly understood.
* Misconduct Instances should be first reported to immediate superiors.
* Way of blowing the whistle – whom to tell, how much to tell, anonymously or in person.
* Responsibilities in view of your role in the organization
* Chances for success

From an Ethical Systems perspective, internal reporting is vital to the health of organizations. Companies that don’t make it easy for their employees to report small problems internally are likely to find themselves facing much larger problems externally. But there’s a common problem in organizations: people who speak up, even internally, are sometimes seen as traitors, or as people who are “not team players.” Some employee might “go public” just for the sake of taking revenge. It is useful to draw a line between the genuine whistle-blower and corporate malcontents and intriguers.

Edward Snowden can be justified by different frameworks of ethics.

According to **Indian Ethics**, he supported Dharma- everything that is essential for people, the world and nature to exist and prosper together, in harmony must be done. He did not fear the government rather he came out of the hood for the welfare of the people to disclose various global surveillance programs violating their privacy.

He not only made the whole world informed but also acted as an inspiration to other people. Although he made the government upset, but the world was quite happy by his actions. Hence, he justified the **Utilitarian** Principle of Maximization of overall happiness.

In the view of **Virtue Ethics**, he was a good person as he performed his function well by reporting misconduct to the affected people thus fulfilling the function of a good human being. Although, some may say that he was not a good employee as he wasn’t as loyal as an employee is supposed to be. If loyalty means merely following orders and not “rocking the boat” then whistle-blowers are disloyal employees.

Edward had an intention of making the public aware of their violation of right to privacy and his motive was to officially stop those surveillance programs disrespecting moral laws. His action is justified as good according to **Deontological Ethics**.

**My Views:**

When I read the news of Edward Snowden, it was the first time I realized what whistle blowing really meant. I was inspired by his actions against the NSA, broadly the government and that too government of the United States of America; the most powerful country of all.

Kant's definition of a rational being is one who acts such that, if all persons acted as he did, he would still wish to live in that possible world. I think one of the subtleties is defining what subsets of actions are defined as "The action". For instance, did Edward "blow the whistle" or did he "blow the whistle once he found out about NSA activity he thought was reprehensible" or did he "blow the whistle once he found out about NSA activity he thought was reprehensible after notifying his superiors"?

The most important consideration in assessing whether a whistleblower acts in an ethical manner is the intention for one’s action. Is it to right a wrong? Is it to give voice to one’s values in the face of countervailing forces? Or, is the basis for the action the pursuit of self-interests, which may manifest itself in blowing the whistle in order to cash in on the whistle-blower award? After all, greed is a powerful motivating force when considering whether to blow the whistle on financial wrongdoing.

I would add responsibility and accountability to the analysis of whistle-blower ethical values because these values underlie the act of blowing the whistle. Responsible people blow the whistle when they believe more harm than good will occur if the whistleblower stays silent. A virtuous whistleblower acts in an ethical manner if he/she truly believes a responsibility exists to protect the public interest. Such a person is willing to accept the consequences of his/her actions. i.e., he/she is accountable for his/her actions.  
As long as the whistleblower is sure that their motivations are sound and that they are confident in the system, they should not hesitate to relay such information and be pleased that they are helping to create a safer working environment for their colleagues.

One of the challenges of being a whistleblower is living with the knowledge that people continue to sit, just as you did, at those desks, in that unit, throughout the agency, who see what you saw and comply in silence, without resistance or complaint. They learn to live not just with untruths but with unnecessary and dangerous untruths.

The government has laws to protect whistleblowers that uncover illegal activity in organizations. However when governments illicit information is uncovered, as in the case of Edward Snowden, it is no longer seen as ethical but rather as illegal and unpatriotic. In the end the ethical judgment comes down to what you find more important your loyalty to your company, organization or government or people's rights.

Quoting Edward, “Whistleblowers are elected by circumstance. Nobody self nominates to be a whistleblower because it's so painful. Your lives are destroyed whether you are right or wrong. This is not something people sign up for. You have to have a greater commitment to justice than a fear of the law. We all have a limit of injustice, of incivility, of inhumanity in our daily life that we can kind of accept and ignore. We turn our eyes away from the beggar on the street. We also have a breaking point and when people find that, they act.

Ultimately, it all depends on your principle premise in accordance to your ethical standpoints. If one is inclined to push for a free and open society that is free from oppression then what Snowden did was commendable.  
Individual ethics are born of a culture of ethics. And in a culture of ethics, whistle-blowing can come out of the cold.