

The Ethical Agenda of Edward Snowden Under Utilitarianism

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On my honor as a University student, I have neither given nor received unauthorized aid on this assignment as defined by the Honor Guidelines for Thesis-Related Assignments.

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Introduction

In June of 2013, Edward Snowden became an American whistleblower by leaking confidential information from the National Security Agency. He brought to light the government's secret collection of metadata from citizens' devices and various invasive data collection programs. There has been discussion about the power of government and the rights of those in the position to whistleblow. Snowden's decision to expose the classified intelligence has given him a highly controversial reputation within American culture and society; Snowden is considered either a hero or a traitor (Lyon, 2014).

Snowden, like many engineering students, lives in a world of exponential technological growth. Technical capabilities are not only vastly misunderstood by the average person but often times are concealed and abused by those in power. Snowden has quoted that, "These programs were never about terrorism: they're about economic spying, social control, and diplomatic manipulation. They're about power." In essence, ignorance has been and will continue to be taken advantage of.

Furthermore, there exists no explicit framework regarding the ethics, duties, and morals that students should employ in situations which might provoke whistleblowing. In fact, several code of ethics directly contradict the United State's laws regarding whistleblowing. Without a unified framework, students are left with no course of action in situations where morality and work obligations contradict one another.

I will demonstrate Snowden's direct compliance with the National Society of Professional Engineers code of ethics, a defined set of standards and expected conduct in relation to moral

principles (NSPE, n.d.). Ultimately, I will prove and establish Snowden's morality and satisfactory ethical standing with regard to Utilitarianism. I will do so by exploring literature by Ross Bellaby who considers whistleblowing, Casey Hladik who reviews John Stuart Mill's Utilitarian framework, and artifacts leaked by Snowden himself. By examining Snowden's inherent motives to release the classified data through the lens of utilitarian ethics and the aforementioned written works, I will evaluate how one might act when confronted with a similar situation in the workplace. This method of analysis will provide a framework for other engineering students to analyze ethical situations. Hopefully, other engineering students will do so in the future too.

Background

Edward Snowden, former National Security Agency contractor and spy, is an American whistleblower who leaked highly classified information from the NSA in 2013. It is possible that Snowden stole over 1.7 million documents (Bellaby, 2017). Snowden's vastly public revelations, published by news companies, included global surveillance programs, military capabilities and operations, surreptitious data acquisition, and the monitoring of American citizens' email accounts. (Martin, 2018). The reports that he leaked also revealed that the NSA tapped directly into the servers of nine internet firms including tech giants such as Google and Facebook. Snowden was consequently charged on two counts of violating the Espionage Act of 1917 and theft of government property. Snowden currently resides in Russia, having been granted asylum status (Greenwald & MacAskill, 2013).

Literature Review

The political climate of national security was greatly affected by Snowden's self-proclaimed responsibility to protect US citizens. Therefore, there are many opinionated articles

about Snowden's legal status, the information that was leaked, and the future of the NSA and other intelligence programs. However, there is a lack of literature that meticulously examines Snowden's moral agenda in relation to ethics in the field of engineering. More specifically, articles evading bias and emotive speech are difficult to find. That considered, there is ample opportunity to draw conclusions from Snowden's case and prompt discussion about ethical duties in the workplace.

Ross Bellaby, the author of *The ethics of whistleblowing: Creating a new limit on intelligence activity*, argues that whistleblowers have a responsibility to act in the scope of duty ethics unless presented with personal costs which are too great. Bellaby questions the very existence and reality of power within a democratic nation, noting that the amount of power entrusted to the intelligence community should be closely monitored. This is complicated by the fact that, unlike other branches of government that are kept in check through elections and public supervision, secrecy is a necessary condition of national intelligence. Although NSA's confidentiality is important for their continued functionality, it complicates the realm of ethics by allowing room for unethical behavior without oversight.

Bellaby concludes that whistleblowing can act as a supplemental form of supervision, allowing for internal correspondents to call for external examination. Moreover, Bellaby believes that whistleblowing should not only be a right, but rather a duty of those in the position to do so. He continues this argument to say that failure to be a whistleblower when necessary should be punishable. Overall, this piece of literature lends itself to analyzing Snowden's actions in the scope of a largely followed ethical framework. Bellaby offers detailed beliefs about why Snowden's actions were not only ethical, but also that his actions should be considered a legal obligation under law (Bellaby, 2017).

Next, Casey Hladik argues that within philosopher John Stuart Mill's utilitarian framework, the NSA was unjustifiable in its decision to conduct mass surveillance of unknowing citizens. As did Bellaby, Hladik acknowledges the reality that the NSA and other governmental agencies face the difficulty of balancing secretive surveillance with civil liberties. Relating this observation to Mill's ethical calculus, Hladik draws the conclusion that the NSA assigned a greater moral weight to their surveillance than to the right of privacy. The NSA did not consider the pains and pleasures of the public, threatening the moral rights that allow a democratic society to function (Hladik, 2014).

Although Hladik and Bellaby present different views of Snowden's whistleblowing, both authors enrich the field of engineering by proving that important decisions can be approached and analyzed through the lens of an ethical framework. Generally, engineers who are well versed in science can also remain ethical and moral, regardless of one's position, title, or philosophical proficiency. Much like Hladik and Bellaby's work, this paper will seek to impart a detailed judgment of Snowden's actions in relation to not only Utilitarianism, but also the current engineering code of ethics.

Conceptual Framework

Described as one of the most powerful and persuasive approaches to normative ethics, Utilitarianism is the view that the morally right action is the action that produces the most good. Therefore, one ought to maximize the overall good, consistently evaluating the good of others as equal to that of one's self (Abumere, 2019). Classic Utilitarian thinker and philosopher, John Stuart Mill, emphasizes bringing about the greatest amount of good for the greatest number of people (Sinnott-Armstrong, 2019). The engineering Code of Ethics, presented by the National Society of Professional Engineers, runs parallel to this belief, emphasizing that all people must

be considered when making decisions in the workplace. The document outlines high standards of honesty and integrity that engineers are expected to exhibit throughout the entirety of their career. It states that, “Engineering has a direct and vital impact on the quality of life for all people.”

Utilitarianism was originally developed as a result of the desire to see corrupt laws and social practices changed. This is why the framework is also known by its accentuation of impartiality and agent-neutrality. In other words, each person’s happiness is given the same metaphorical ‘weight’. Because all happiness is weighted equally, an individual is expected to promote the overall good for the general public, regardless of one’s particular desires and pleasure (Sinnott-Armstrong, 2019). In parallel, the engineering code of ethics puts an emphasis on fulfillment of professional duties while holding “paramount the safety, health, and welfare of the public.”

I will analyze Snowden’s actions with relation to the intersection of the frameworks of Utilitarianism and an engineer’s professional duty. Snowden can be considered a Utilitarian citizen, acting to create the most possible good. Simultaneously, Snowden is an engineer obligated to fulfill the fundamental canons of the engineering code of ethics. Most specifically, Snowden will be held to several of the code’s standards:

1. Hold paramount the safety, health and welfare of the public
2. Issue public statements only in an objective and truthful manner
3. Avoid deceptive acts

Analysis

Throughout the analysis of Edward Snowden's final decision to whistleblow, I will draw from the ethical duties listed in the engineering code of ethics: holding paramount the safety, health and welfare of the public, issuing public statements only in an objective and truthful manner, and avoiding deceptive acts. Meticulously walking through each of the duties may allow other engineers to better understand how they can influence motivation, work, and conflict resolution. Although his legal status disagrees, Snowden's motives, desires, and self-sacrifice prove that he fulfilled his ethical duties as an engineer and utilitarian citizen.

Welfare of the Public

In this portion of the analysis I will support the claim that Snowden's decision was based upon contributing to the welfare of the public, an ethical duty. Utilitarianism largely depends on a person's ability to act for others just as they do for themselves. In essence, the public and greater society become a priority. Because we are considering Snowden to be a Utilitarian figure, I would like to preface this portion of the analysis with his willingness to sacrifice individual freedom for the good of the nation. Snowden himself has said that the government "did not care whether I went away to prison" and "did not care whether I went away into the ground," (MacAskill & Topham, 2019). Snowden recognized the potential of death for his actions, but considered the public's right to privacy to be more important. Therefore, we can say that Snowden was acting as a Utilitarian citizen should.

First, we will consider the Society of Professional Engineer's primary rule of practice: Engineers shall hold paramount the safety, health and welfare of the public. Under this practice, an engineer shall not aid or abet the unlawful practice of engineering by a person or firm (NSPE,

n.d.). In other words, an engineer shall not partake in any illegitimate or indictable activities, even in the case where it is a work order. Additionally, “Engineers having knowledge of any alleged violation of this code shall report thereon to appropriate professional bodies” (NSPE, n.d.). Ultimately, engineers must withdraw from their work and make known any illegal or unlawful practices of their knowledge.

Snowden was following the engineering code of ethics when he released the documents. He had noted that since September 11, the United States has become “a litany of American destruction by way of American self-destruction, with promulgation of secret policies, secret laws, and secret courts and secret wars,” (MacAskill & Topham, 2019). The documents which were released revealed many unlawful programs; most notably PRISM - a court-approved program engaged in direct access to American citizens’ Google and Yahoo accounts, alongside an analytical tool named XKeyscore. This made it possible to collect almost any activity on the internet. Below is a slide leaked by Snowden which exposes the NSA’s efforts to collect extremely private data through common internet providers (Greenwald & MacAskill, 2013).

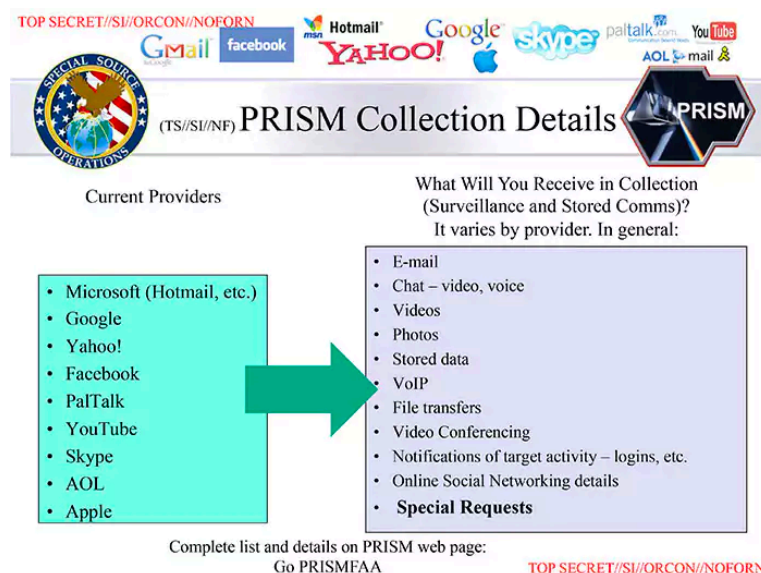


Figure 1: NSA slide showing surveillance and data collection efforts

Cyber-security at a national level requires an immense amount of maintenance, intelligence, effort, prioritization, and a large budget. Because of the resources necessary to start and maintain these programs, it is necessary to conclude that these programs were intentional and pointed. We can conclude that these programs were highly illegal and unethical; they directly violated the privacy of citizens and were done so in a very intentional fashion.

Before his first act of whistleblowing, Snowden was made aware of illegal activity being conducted by high powered government officials, such as the director of the NSA. He was asked to collaborate and work on these highly clandestine, unethical, and illegal programs, such as PRISM. The situation forced Snowden to decide whether he was going to follow the engineering code of ethics, and reveal the true nature of the administration, or break the code of ethics and continue working. Per Utilitarian philosophy, Snowden made the correct decision when he alerted the public. He considered the nation's ability to maintain privacy a much greater good than his own safety and the positive effects of the programs, combined. Furthermore, Snowden acted in compliance with the engineering code of ethics by deciding to discontinue work within an unlawful organization.

Now, we must consider whether Snowden should have become a whistleblower or merely receded from his job in silence; there are different 'goods' to weigh in his scenario. Firstly, withdrawing silently would have fulfilled Snowden's obligation as an engineer by discontinuing illegal work. However, as a Utilitarian citizen, it was necessary for Snowden to act in a way which would have brought about the most good. If Snowden had chosen to remain silent, he would have diminished the importance and weight of alerting the public of ill treatment and violation.

Furthermore, Snowden would not have fulfilled his duty of reporting an appropriate professional body of the violation.

As Snowden did decide to blow the whistle, he simultaneously fulfilled his duty as an engineer and as a Utilitarian citizen. Not only did he discontinue unlawful tasks, but he also exposed programs which were directly causing a great deal of harm to the public. By making the nation aware of this harm, Snowden was able to alleviate societal ignorance and also consider his own desires to be of less importance than the public. In this specific case and rule of practice, we can claim that Edward Snowden acted in accordance with his professional and utilitarian duties.

Issuing Objective Public Statements

In analyzing Snowden's public statements and publicized actions, we can now analyze an engineer's role in protecting the greater good through communication. The next rule of practice that I will present is issuing public statements only in an objective and truthful manner. Engineers must be unbiased and honest in professional reports, statements, or testimony. Moreover, engineers may publicly express opinions founded upon factual knowledge and competence (NSPE, n.d.). This rule of practice is relevant to Snowden's case because he chose to publicly share confidential knowledge in a methodical manner. As a Utilitarian citizen, we would expect Snowden to honestly share information that would bring about the most good.

Primarily, we can consider Snowden's public disclosures to be objective because he leaked unmodified documents from the government. None of the documents were imbued with his personal opinion or data. All of his conversations, statements, and interviews draw upon the documents that are available to the public. The documents are accessible on multiple websites,

including Glenn Greenwald's and ACLU's document database (Gallagher, 2013). Further, the public could access the data free of charge, negating an idea that his motivations were monetary. In his effort to freely distribute the documents without bias or discrimination, Snowden allowed the public the liberty to agree or disagree with his actions. Therefore, Snowden rightfully fulfills the specific duty of issuing public statements in an objective and truthful manner which also complies with the Engineering Code of Ethics.

Under a Utilitarian framework, Snowden needed to consider the greater good of the people in addition to himself. Ideally, Snowden would choose to leak information to do the least amount of harm and the greatest amount of good to maintain a net 'good'. The amount of good would need to outweigh his pain, his loved ones' sacrifices, and the sacrifices of the National Security Agency. As a Utilitarian citizen, this involved Snowden's personal investment of time and energy into the meticulous curation of program and governmental capability disclosures.

Snowden has stated that he "carefully evaluated every single document" he disclosed to "ensure that each was legitimately in the public interest" (MacAskill & Topham, 2019). He did not turn over documents that would have made a catastrophic impact on national security; his intent was not to endanger American citizens. This, in itself, is a direct act of Utilitarianism. However, although Snowden himself states his intentions to do the least amount of harm, we must still examine the actual revelations and evaluate the sincerity of his intents. Snowden's lawyer has said that the government has never presented any public evidence that the released materials have caused "genuine harm" to US national security. In retrospect, the United States has emphasized personal protection of data and use of encrypted networks. Snowden's carefully selected exposures did not significantly harm the United States or the government.

Conversely, there has been significant good that has come from Snowden's case and decision to whistleblow. Primarily, companies which serve people around the globe, such as Google, are no longer allowed to encrypt traffic on private cables because GCHQ had been wrongly collecting it. Robert Hannigan, former GCHQ director, thinks that encryption at the individual level is a good thing because it keeps people safe and secure (Martin, 2018). Highly powerful technology can run on mobile devices, giving everyone an equal opportunity to protect their data. All information is treated as private, regardless of someone's social status or power. Below is a graph that demonstrates the rise in encryption since around 2015, proving that the efforts of citizens to prioritize privacy is growing. Consequently, we can safely conclude that Snowden acted purposefully to disperse objective information, along with his own opinions; he fulfilled his duty as an ethical engineer. Snowden also acted in a Utilitarian fashion, sacrificing himself for not only the greater good, but also for maximum amount of good.

Percentage of pages loaded over HTTPS in Chrome by platform

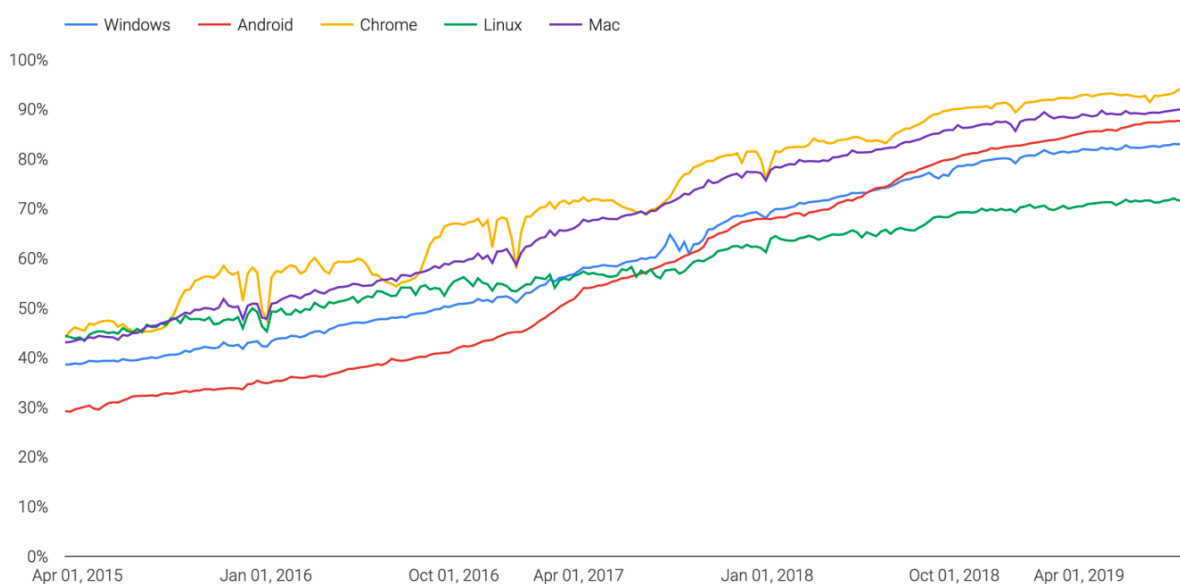


Figure 2: Google requested encryption worldwide

Avoiding Deceptive Acts

Analyzing Snowden's actions in relation to the ethical duty of avoiding deceptive acts allows one to recognize a situation worthy of reporting and reprimanding. Snowden did not only leak documents, but he also unveiled extremely unethical activity done with intention and detail; government officials were conducting highly deceptive acts. The next rule of practice to apply to our case is that engineers shall avoid all conduct or practice that deceives the public. More specifically, engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact. We will define the word deceive as to cause someone to believe something that is not true, typically in order to gain some advantage.

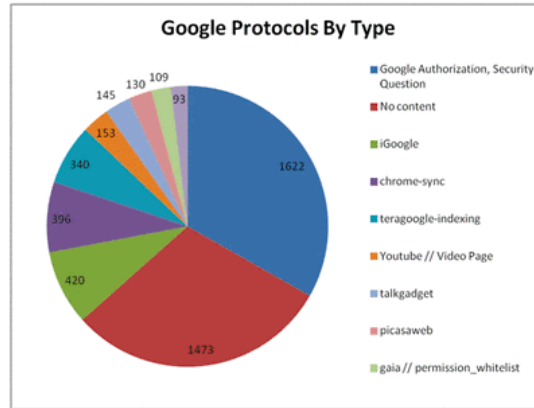
Snowden's job, as with any spy's position, is to remain secretive about their work. However, withholding information to benefit society is very different from deceiving an entire nation to the extent that they are conducting their lives in a significantly different manner than they would otherwise. For example, private information and media were being shared on the internet with the notion that it was privately owned. By running programs like PRISM, the National Security Agency was directly violating each and every United States citizen. Below is a graph leaked by Snowden which shows the extent to which the NSA was monitoring citizens through technology. The pie chart shows the percentages of each Google protocol that was captured using a set of tools called Serendipity, to mine Google's internal network data for information (MacAskill & Topham 2019).

Therefore, Snowden's work had become less secretive and more deceitful at a very unethical level. The former Director of National Intelligence James Clapper lied under oath to con-



Serendipity – New Protocols

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TOP SECRET//SI//NOFORN

Figure 3: NSA slide showing percentages of mined Google network

gress about national surveillance (Wiki, 2020). The NSA was lying to other nation's leaders and citizens. It became extremely clear to Snowden that the work conducted at the NSA was extremely deceitful. In analyzing Snowden's actions, he did act in correspondence to the engineer's rule of practice which condemns deception as well as with the Utilitarian philosophy of maximizing the greatest good. Snowden withdrew from the deceit to avoid material representation, such as accepting the criminal offense of lying under oath. Snowden further made the deceit publicly known to bring about honesty and to right the agency's wrongs. It is clear that Snowden acted as not only a dutiful engineer, but also as an ethical Utilitarian.

Conclusion

Although there are many controversial, opinionated, and biased articles about Edward Snowden and his effect on national security, it is still possible to objectively analyze his thoughts, intentions, actions, and ethical obligations through the framework of Utilitarian philosophy and the Engineering Code of Ethics. Ultimately, Snowden acted as an exemplary figure in engineering, posing questions about how engineers in the present and future are obligated to act.

Having connected Utilitarianism, a widely known ethical theory, to the engineering code of ethics, Snowden's actions can be deemed ethical and virtuous.

Engineers are not only held to the standards that are declared in the Engineering code of ethics, but also to those which take time to learn, experience, and understand. The field of technology is advancing at an exponential rate, which means that requirements, duties, and ethical responsibility will change correspondingly. I believe that analyzing and better understanding Snowden's scenario, struggle, thought process, and consequent actions through the lens of a Utilitarian framework may allow engineers to further question their own understanding of ethical behavior within the workplace. Holding one's self to a high standard is difficult, but I believe that dissecting important decisions through the lens of a Utilitarian framework, or an analogous ethical theory, can allow engineers to make more structured and moral decisions to bring about the greatest good of those they will effect.

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