

## ***Civil Disobedience and Unauthorized Whistleblowing***

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The unlawful disclosure of sensitive information by the likes of Chelsea Manning and Edward Snowden has prompted considerable reflection on the ethics of unauthorized whistleblowing. A prominent theme in the emerging philosophical literature is the extent to which such actions can be compared to, or even categorized as, acts of *civil disobedience*. This suggestion is typically offered as an effort to defend the likes of Manning and Snowden, insofar as it situates their actions within a protest framework that is thought to have positive connotations within liberal democratic societies. This paper offers a sympathetic critique of this defensive strategy.

The core argument is that there are conceptual, normative, and political reasons for rejecting the claim that unauthorized whistleblowing is a form of civil disobedience. The conceptual reasons relate to important differences between whistleblowing and standard characteristics of civilly disobedient protest, particularly the contrasting communicative dynamics implicit in both actions. The normative reasons relate to ethical concerns about categorizing unauthorized whistleblowing as a form of protest that is defended by many as a moral right. The political reasons relate to concerns about the tendency of philosophers to overstate the extent to which civil disobedience is afforded respect in democratic societies, such that using it as a frame for Manning's and Snowden's actions may not contribute to sympathetic media coverage or lenient judicial treatment.

The critique presented here is nonetheless sympathetic, because it shares the intuition that unauthorized whistleblowing can often be described and defended as a form of political protest. The paper therefore tentatively gestures toward an alternative means of framing such acts, through turning to the idea of *direct action* rather than civil disobedience. This has the conceptual advantage of aligning unauthorized whistleblowing with a form of protest that it more closely resembles. It also has the normative advantage of framing it as a form of protest that is rightly regarded as a particularly serious form of presumptive wrongdoing, which can only be a legitimate course of action in light of sufficiently compelling considerations. And, perhaps most surprisingly and significantly, it offers a more promising basis for the legal toleration of whistleblowing.