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RANSOM DILEMMA: AN ETHICAL PROBLEM FOR THE GOVERNMENT?

The ransom dilemma problem all around the world raises not only moral concerns for the government, but also for the society as a whole in whether to save the kidnapped person or to do nothing against it. While the U.S. and U.K. deal with this according to its strict laws and regulations ruthlessly in order to preserve the integrity of the society, the European Union deals it with a more flexible and is oriented toward a human-centered approach. This paper will try to analyze this ethical dilemma from three diverging viewpoints. These concern the consequentialist/utilitarian viewpoints and the deontological approach. While consequentialists support the argument that states ought to preserve the security of their citizens without giving in to the demands of terrorists for an exchange of the kidnapped person, deontologists on the other hand put human values and individual rights to the forefront and urges states to save people no matter what the circumstances they are in. Here, we will refer to the arguments presented by ethicists such as Jeremy Bentham or John Stuart Mill as well as experts like Peter Singer. However, in terms of deontological approach it comes with caveats in arguments between Kantian absolutism approach in categorical imperative beliefs and Rossian intuitive prima facie duties approach. This paper serves the purpose of informing and enlightening readers on the ethical issues that ransom dilemma presents with a more informational-analytical standpoint. The rationale of our research paper lies within the fact that very little research has been conducted in regards to ethical approaches towards the aspects of ransom dilemma phenomenon. Hence, with this research paper, we would like to fill in this research gap and bring in something new and interesting within the studies on ethics.

Key words: Ransom dilemma, terrorists, ransom payment, consequentialism, deontology, quid pro quo.

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Төлем дилеммасы: Үкімет үшін этикалық проблема?

Дүниежүзіндегі төлем туралы дилемма проблемасы үкіметке ғана емес, сонымен бірге бүкіл қоғамға ұрланған адамды құтқару немесе оған қарсы ештеңе жасамау туралы моральдық алаңдаушылық туғызады. АҚШ пен Ұлыбритания мұны қоғамның тұтастығын сақтау үшін қатаң заңдар мен ережелерге сәйкес аяусыз айналысса, Еуропалық Одақ оны икемділікпен қарастырады және адамға бағытталған көзқарасқа бағытталған. Бұл мақалада этикалық дилемманы үш түрлі көзқарас тұрғысынан талдауға тырысады. Бұл нәтижелер / утилитаристік көзқарастар мен деонтологиялық тәсілге қатысты. Салтериалистер террористердің ұрланған адамды айырбастау туралы талаптарына бағынбай, өз азаматтарының қауіпсіздігін сақтау керек деген дәлелді қолдайтын болса, екінші жағынан деонтологтар адами құндылықтар мен жеке құқықтарды бірінші орынға қойып, мемлекеттерді үнемдеуге шақырады. Бұл жағдайда біз Джереми Бентам немесе Джон Стюарт Милл сияқты этика ғалымдары, сондай-ақ Питер Сингер сияқты сарапшылар келтірген дәлелдерге жүгінеміз. Алайда, деонтологиялық көзқарас тұрғысынан кантиялық абсолютизмнің категориялық импетративті көзқарас пен россиялық интуитивті прима-бет міндеттері тәсілі арасындағы дәйектерде ескертулер бар. Бұл құжат оқырмандарға төлем дилеммасы ұсынатын этикалық мәселелер туралы ақпараттандыру және

ақпараттық-талдау тұрғысынан ақпараттандыру мақсатында қызмет етеді. Біздің зерттеу жұмысымыздың негіздемесі төлем дилеммасы құбылысының аспектілеріне қатысты этикалық тәсілдерге қатысты өте аз зерттеулер жүргізілгендігінде. Демек, осы зерттеу жұмысымен біз осы зерттеу олқылықтың орнын толтырып, этика бойынша жаңа және қызықты нәрсе енгізіміз келеді.

Түйін сөздер: төлем туралы дилемма, террористер, төлем төлемі, нәтижелілік, деонтология, *quid pro quo*.

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Дилемма выкупа: Этическая проблема для правительства?

Проблема дилеммы выкупа во всем мире вызывает не только моральные опасения у правительства, но и у общества в целом в отношении того, следует ли спасти похищенного человека или ничего не предпринять против него. В то время как США и Великобритания безжалостно борются с этим в соответствии со своими строгими законами и постановлениями, чтобы сохранить целостность общества, Европейский союз действует более гибко и ориентируется на подход, ориентированный на человека. В этой статье мы попытаемся проанализировать эту этическую дилемму с трех различных точек зрения. Это касается консеквенциалистских / утилитарных точек зрения и деонтологического подхода. В то время как консеквенциалисты поддерживают аргумент о том, что государства должны обеспечивать безопасность своих граждан, не уступая требованиям террористов об обмене похищенными людьми, деонтологи, с другой стороны, выдвигают на первый план человеческие ценности и права личности и призывают государство к спасению независимо от обстоятельств, в которых они находятся. Здесь мы будем ссылаться на аргументы, представленные специалистами по этике, такими как Джереми Бентам или Джон Стюарт Милль, а также такими экспертами, как Питер Сингер. Однако с точки зрения деонтологического подхода, это связано с оговорками в спорах между кантианским подходом абсолютизма в категориальных импульсивных убеждениях и российским интуитивным подходом *prima facie* обязанностей. Этот документ служит цели информирования и просвещения читателей об этических проблемах, которые представляет дилемма выкупа, с более информационно-аналитической точки зрения. Обоснование нашей исследовательской работы заключается в том, что было проведено очень мало исследований в отношении этических подходов к аспектам феномена дилеммы выкупа. Таким образом, с помощью этой исследовательской работы мы хотели бы восполнить этот пробел в исследованиях и внести что-то новое и интересное в исследования по этике.

Ключевые слова: дилемма выкупа, террористы, выплата выкупа, консеквенциализм, деонтология, услуга за услугу.

Introduction

How the ransom dilemma exists is pretty conceptually easy to explain. The government has two choices in the situation where terrorists or extremists take a certain person or a group of person into hostage and demand payments for their release: either pay the ransom payment demanded in order to rescue the hostage but at the same time directly giving financial aid to the terrorists through funding, or simply ignoring the demand and let the hostage get executed. In a situation like this, if the government chooses the latter there is a high likelihood that social backlashes at home would retaliate against the government's decision not to rescue the hostages.

But at the same time if the government gives in to the terrorist it would be seen as a message for everyone else that the government is on the one hand agreeing to the terms of terrorists which exemplify a government not capable to handle such a situation more firmly but also potentially exacerbating the situation if these funds provided to terrorists would encourage even more kidnappings of innocent people.

According to a terrorism expert Brian Michael Jenkins, in most cases terrorists do not really have any hostage targets such as politicians or affluent businessman whom they kidnap first and exchange for ransom (National Post, 2015: Does it work section, para. 2). Thus, they act on pure "*opportunistic*" behavior. It is also important to understand that

terrorists just simply do not only want to gain money through kidnappings, but also create unnecessary fear and terror for publicity in order to send the message that ransom payment is the only option there is (National Post, 2015: Does it work section, para. 2) (Rodney Hyatt, 2016: p.17). However, evidence has shown that there is little correlation between paying ransom and the decrease in cases of kidnappings (National Post, 2015: Does it work section, para. 2). Back in 2013, the members of the Group of Eight (G8) have signed a declaration to not support ransom payments whatsoever for terrorists (National Post, 2015: The Dilemma section, para. 1). According to their declaration, members were held responsible to protect the lives of their citizens and uphold to the principles not to fund terrorists through such means (National Post, 2015: The Dilemma section, para. 1). Two countries uphold to the principles of the declaration are the U.S. and the U.K (National Post, 2015: The Dilemma section, para. 1). But it is at the same time hypocritical that governments would not help out to their own citizens who were captured and soon to be executed even if that is their duty as the government. It is also interesting to know that the UN Security Council has unanimously adopted a resolution in January 2014 directly going against the ransom payment concept (Peter Singer, 2014: para. 5). Thus, terrorists have created a contestable field regarding the ransom payment dilemma that initiated a problem at a greater international arena and terrorists may use it as an instrumental leverage to change the domestic public discourse towards the perception of terrorist's threats.

Objectives and rationale of the paper

This paper's objective is to inform and enlighten readers on the ethical issues that ransom dilemma presents. It serves more of an informational-analytical purpose from a more ethical rather than a purely scientific standpoint. The rationale of our research paper lies within the fact that very little research has been conducted in regards to ethical approaches towards the aspects of ransom dilemma phenomenon. Hence, with this research paper, we would like to fill in this research gap and bring in something new for scholars interested in studies on ethics.

Research Methodology

This paper uses the discursive analysis approach to illustrate the ethical problems that the ransom dilemma issue faces by analyzing the problem from diverging positions of deontological, consequential-

ist and utilitarian viewpoints. Within the analysis and discussion section, the paper refers to various experts in the field of ethical approaches concerning the problem of ransom payment. These include experts such as Peter Singer or Mike Faille. In terms of the structure of the paper, first we will look at the contrasting state approaches by the UK, US, EU and Israel towards ransom payment. Then, we will analyze the problem in the context of the global world and evaluate which countries are the most affected by this issue. Here, we will also discuss the reasons why certain countries are more prone than others. After that, our paper moves forth towards the argumentative aspect of our paper, where the paper touches upon arguments in favor and against utilitarian, consequentialist and deontological approaches. In this section, the renowned ethicists arguments such as those by Jeremy Bentham, John Stuart Mill, Immanuel Kant and William David Ross will be brought to light as well as used and applied. Last but not least, the paper will try to find reasonable answers whether we can find a deal between the ethical approaches and moral justifications regarding the state's actions. Various principles and arguments concerning the understanding of the ethical problem will be provided, such as those of the *rule of rescue* principle, the rightness/goodness or wrongness of actions or the application of *quid pro quo* and *pluralism of individual moralities* principles.

Discussion Section

Contrasting Approaches by governments: US and UK vs. EU and Israel

The U.S. government, as said before, does not negotiate or pay any amount of ransom to terrorists (Rajat Sethi, n.d.: p.4). It goes even as far as in case of any American citizen or an American company or organization is somehow able to channel payment and as a result the hostages were able to be released, the US will file a prosecution against that person or company through the help of US Department of Justice (Rajat Sethi, n.d.: p.4). A lawsuit will be filed and accused for having funded a terrorist group. There were cases though when rescue missions were launched. The case of helping out a US hostage named James Foley was one of them but without any success who was later on beheaded (Rajat Sethi, n.d.: p.4). In the case of the British counterparts, they also do not negotiate with terrorist for ransom (Rajat Sethi, n.d.: p.4) (Government of UK, n.d.: p.1). But there is a little shift in the attitude towards companies or individuals paying ransom for a release, as was the case with the British citi-

zen named Judith Tebbutt back in 2012 in Somalia (Rajat Sethi, n.d.: p.4). No one was persecuted for her release afterwards even if someone would see it as having funded terrorists in that area (Rajat Sethi, n.d.: p.4).

It is also interesting to see how Europe and Israel works with such ethical dilemmas as their practice is rather unique and without a question sets them apart from the practices carried by the U.S. and British government. The Israeli approach towards ransom payments is extraordinary. On the one hand they will do everything to save the lives of one Israeli but at the same time brutally persecute those who have kidnapped their citizens if they have accepted the concessions offered by the Israeli government for the hostage's release (Rajat Sethi, n.d.: p.5). The Israeli government will make sure to persecute and even in some cases terminate those terrorists who have abducted their citizens (Rajat Sethi, n.d.: p.5). In an amazing prisoner exchange effort between Palestine and Israel in the year of 2011, Israel was willing to release 1,027 Palestinian just for the lives of one Israeli (Rajat Sethi, n.d.: p.5). This shows their spirit to stand down for each other as a nation and as a military might willing to do everything for their compatriots. In some other instances they have even gone as far as to recover their fallen comrades bodies from the front (Rajat Sethi, n.d.: p.5). The European practice is more humanely oriented towards the release of hostages coming from Spain, Italy or France as their governments are more willing to pay ransom than turning a blind eye on them (Rajat Sethi, n.d.: p.5). It is said to have paid ransom from 2008 up until 2013 to Al-Qaeda of an amount reaching an approximate \$125 million (National Post, 2015: Who Pays section, para. 3). Other sources also have led to allegations directed towards the Canadian government who have presumably paid ransom for the release of two diplomats whose names were Robert Fowler and Louis Guay back in 2009 (National Post, 2015: Who Pays section, para. 3).

How severe is the issue globally?

Ransom payments for terrorist are like sources of financing for them apart from practices of receiving funding from money laundering or through rent-seeking behavior mechanisms (Mellon, Bergen & Sterman, 2017: p.12) (Barber, 2016: p.3) (Koseli et al., 2020). Thus, rationally thinking terrorists would use this opportunity to target specific countries such as European countries that are more willing to pay ransom compared to the British and the U.S. ones, as from our previous discussion we have proved that European are likely to attempt to save their compatriots. According to the statistics provided by Unity

Resources Group published in the *National Post* by Mike Faille and the *New York Times*, France led for the years of 2011, 2013 and 2014 for saving in total 11 lives of hostages that were recovered for an aggregate amount of 76 million dollars (National Post, 2015: Paying the Price Table, after para. 4). This was comparatively way lower than the countries of Spain, Switzerland, Canada, Austria, Qatar and Oman combined who have paid a total amount of \$48 million with 16 hostages having been rescued from 2008 till 2013 (National Post, 2015: Paying the Price Table, after para. 4). However, these countries supposedly deny that they have paid ransom to terrorists for the release of their hostages to groups such as Al-Qaeda or ISIS (National Post, 2015: Paying the Price Table, after para. 4). The statistics also provides us with information for the years of 2014 and 2013 about the top five targeted industries for kidnapers (National Post, 2015: Paying the Price Table, after para. 4). Apparently for the year of 2013 the oil and gas industry and their related businesspeople topped this list followed by NGO related members, foreign tourists as well as journalists (National Post, 2015). However, this list has almost completely changed in the following year, where diplomats were targeted the most alongside maritime and construction workers (National Post, 2015: Paying the Price Table, after para. 4).

But in the context of the seriousness of the problem for the "Westerners", it is crucial to look at another figure that shows exactly the over-estimation and over-exaggeration of the ransom dilemma issue in the Western hemisphere. In fact, by just looking at the statistical data provided by CSS Analysis in Security Policy in 2013, half of the global kidnappings that occur around the world happen in war-ridden countries such as Nigeria, Mexico, Pakistan or Yemen (Christian Nünlist, 2013: p.2). Thus, most kidnappings around the world that is estimated to be annually at a range of 12,000 to 30,000 cases happen in countries where terrorists such as Boko Haram, ISIS or Al-Qaeda have the possibility to act out their acts of terrorism (Christian Nünlist, 2013: p.2).

The other side of the coin is that paradoxically it is argued that the debatable but to an extent successful international efforts to combat terrorism after the 9/11 attacks have brought new circumstances and opportunities for terrorists, in particular to Islamic terrorists who were left with a flourishing hostage-taking business through "franchising cells" of local and independent systems of organizations that transformed into terrorist funded hubs (Christian Nünlist, 2013: p.2) (Dutton Yvonne, 2016: p.7). As same with states that evolve, terrorists go through

the stages of evolution. Be it in their usage of arsenal or new technologically advanced weaponry or in their ideologically driven doctrines. Ransom payment mechanism is not just instrument for survival for terrorist, but also a mean to “*flex muscles*” for the public but also seen as a response to their own experienced grievances and history.

A Consequentialist/Utilitarian Approach

The stance exemplified by the U.S. and U.K. has shown us that the government values the common good rather than putting individual lives at the forefront when it comes to ransom payments. With that they have calculated the consequences of having to pay ransom and the probability that it might lead to an increase in the number of such cases in the future. This could be explained with the fact that they value the quantity of the aggregate people to be saved from future attacks rather than risking all of them for the sake of one person. To support this argument even more, a paper by Patrick T. Brandt, Justin Goerge and Todd Sandler named *Why concessions should not be made to terrorist kidnappers* published in 2016 shows us how successful terrorist negotiations with concessions and ransom payments being given have increased the rate of kidnappings all over the world from 1978 to 2013 (Brandt, George & Sandler, 2016). This was especially true for the period from 2001 to 2013 (Brandt, George & Sandler, 2016).

An ethicist Peter Singer argues that often the government is not willing to save even many lives, especially if the transport routes for those in held in captivity is not provided to with maximum security (Peter Singer, 2014: para. 7). It is not worth risking the lives of those who go on to the rescue missions even if it means to save a fellow citizen for the sake of the country and by that doing something good and ethically right. It might seem callous and selfish, but it is according to him the only ethical policy that the government can provide in difficult situations like these that demand more than just decisiveness, financial resources, and leadership (Peter Singer, 2014: para. 12).

According to the consequentialist viewpoint, an act that is good or bad solely depends on consequences or the goodness of consequences (Martin Nwadiugwu, 2015: p.2). This normative ethical approach looks at the morality of the outcome (Deni Elliott & Karlana June, 2018: p.1). With the ethical problem of ransom payments for the government, the state applies a universal consequentialist approach that takes into account the consequences of an act that will have an effect on all citizens involved, which in the case of the U.S. is justified

through the law to persecute anyone who pays ransom to terrorists in order to prevent future terrorists kidnappings or terrorist attacks as ransom payments financially support them. With that logic, the law justifies the moral implications of not helping out an individual or group of people who were captured by terrorists. By that logic the government acts upon moral righteousness with its own law prohibiting ransom payments that solely depends on its overall positive consequences, which in this case is the safety of those not affected by terrorists. Thus, the state applies *ethical altruistic behavior* in solving the issue by benefitting everyone, and not one individual (Martin Nwadiugwu, 2015: p.2). However, it acts as a state with an egoistic belief that this non-interventionist approach is the best option to secure their citizens from further terrorist kidnappings and incidences.

With the slogan used by Jeremy Bentham concerning the idea of “*greatest happiness of the greatest number*”, its application in real life situations like the ransom payments shows us how the maximization of the utility/happiness of all people in a society brings a morally right action, which in this case is the state and its citizens themselves since the best consequence would be to not negotiate with the terrorists (Dalia Eidukiene & Jeremy Bentham, 2017: abstract section, para. 1). If we also dig more further into the problem, there is also the idea that the US would lose credibility in the eyes of those who have seen them as a strong power if they give in to the concessions of terrorists. Thus, in the long run it may encourage imitations by terrorists and give incentives for new terrorists to come up with even more brilliant ideas. This is also the reason why states disregard the legitimacy of terrorists but accept their existence without treating them on par with the government’s or state’s legitimacy. In the case of the US and the UK, the habitual state of the government not to discuss with terrorists also reflects the hatred and fear of many Americans towards Muslims. The US government promotes this way a societal acceptance to stand for unity and promote the idea of “*total utility*” in the case of ransom payment dilemma. A utilitarian approach, according to Mill John Stuart Mill, eventually is a much easier to apply and facilitates the decision-making process when quick and effective decisions are needed in the heat of the moment, which everyone can follow, understand and knows about (The Ethics Centre, 2016: para. 7). For that, Mill rules in favor for a *rule utilitarian* approach. People have a strong desire to belong to a community. The very fact that the government regulates rules and laws that are applicable to

everyone and the majority follows it, those communities survive as the total happiness triumphs over personal happiness of one person.

Arguments against Consequentialists Viewpoint

Criticism towards this approach argues that first of all utilitarianism is very cynical and heartless to those where the majority may trump over the minority, which in this case would be those who were captured or their families who were affected by that. Because there is a false premise that my maximization of happiness is connected to everyone else maximizing happiness (Notre Dame Philosophical Reviews, 2019: p.4). How would you calculate it? Another question to ponder about is how a government would justify the killing of one person despite having all the resources for financing billion-dollar social welfare funds but not save lives for millions of dollars.

According to the consequentialist, the rightness and wrongness of killing a captured hostage by a terrorist would be explained by the rule utilitarian approach that the best consequences is achieved through sticking to the morally good law and not negotiating with terrorists (Espen Gamlund, 2012: p.34). In this scenario, the sacrifice of one person generates much more good consequences than saving him. But critics exactly strike at this core. It is not fair to look at both the “good consequences” in one’s action and justify the killing of a person to satisfy everyone’s well-being and happiness per say. Moreover, utilitarianism uses the human as an object for maximization of pleasure and happiness for the greatest number and best consequence by neglecting fundamental aspects of individual human rights (Notre Dame Philosophical Reviews, 2019: p.15). It is self-evident that humans follow the “goodness” of their actions, and utilitarianism is just a tool showing us of what that “goodness” consists of (Notre Dame Philosophical Reviews, 2019: p.18). We also have to argue that governments generally seek to self-preserve their authority, social responsibility obligations as well as their legitimacy as a state. In this case, the government is merely using the principle not to negotiate with the terrorists to back up its state legitimacy. Whether that is now morally acceptable or not is a totally different question.

The notion of “*tyranny of the majority*” can also be exemplified as a criticism. Here the issue is subtler as the majority can set standards and rules befitting their own culture and morality and exempt them from having taken responsibilities against the minority that thinks otherwise. Therefore, any individual perspective is regarded as an outcast as

evaluations of a moral dilemma. But here lies the problem with it, as utilitarian’s assume that someone’s viewpoint is and probably shall be the same as everyone else’s opinions and must so be ethically and morally right to apply (Notre Dame Philosophical Reviews, 2019: p.19). However, this is a false assumption as anyone who would face moral dilemmas such as saving his or her family or millions of strangers would choose not the latter but the first option to save the beloved ones or his or her relatives. Humans, in critical situations might or might not react in a rational way but the moment when the instinct to survive kicks in, humans will do everything to accomplish it and rationality would not help in such a situation. But, those unaffected by it would choose to stick to the majority and save more than one person. Is it then morally right for the majority to pursue the goodness of saving many or believing in individualist perspective?

Another criticism tries to look at it from an epistemic side. The question is how utilitarian’s know the rightness or goodness of the moral actions they are doing, as they might just calculate and rely on short-term outcomes of their decision but disregard this way the long-term implications of their actions. How could people anyways ever know what exactly to do in situations of ethical dilemmas? One may ask whether it is innate in us or socially engineered throughout time and experience. Such epistemological questions are also great tools to critically reflect upon ethical dilemmas. In the place of the government, such criticisms reflect how difficult it is for the government to stick to one principle or a specific law. A person may not agree with the government’s decisions but eventually he/she is first and foremost a citizen of this country who is obliged to follow the rules, principles and laws by nature.

Kantian & Rossian Deontological Approach

According to the deontological perspective, which is the study of duties and obligations, the morality of an action should be based according to its act itself rather than its consequences and that these rules are defined autonomously from its consequences (Espen Gamlund, 2012: p.34). It is a rule based ethics such as sticking to the principle of opposing ransom payments to terrorists that make decision-making process much easier and justifiable in a way that often even if the government would initiate to go on a rescue mission to save the innocent life of a hostage, then there is the possibility that it might fail as the idea of *quid pro quo* is risky (Rajat Sethi, n.d.: p.8). The very fact that the government prescribes its own rules and principles that they stick to shows that they pre-determine what is

morally acceptable and what's not. But, as ransom payment dilemma involves not just the opinion of one person but also a plurality of stances and also politics, there are some nuances. In the deontological belief the action is more important than anything else. According to Kant, to act morally right it is important that the action itself, such as in the case of the government not giving in to the demands of the terrorists, to be "*intrinsically good*" (Immanuel Kant, 1785). He argues that those ideas though to be good by nature due to the act having a good will (Immanuel Kant, 1785). Therefore, the government trying to protect the lives of those unaffected by terrorists and also understanding that financing terrorist would mean that the chances for another terrorist attack increases, then this action is considered to have good will. Moreover, who guarantees that terrorists are not politically motivated to cripple the reputation of a country through pressuring it to give in to demands since terrorism acts are often motivated with political intentions. The very fact that hostages are used as instruments means that they are used as means to achieve a more ulterior goal than that. However, if we argue that the government's duty is to protect its citizens, then in the case of certain European countries they try to uphold their principles in stark comparison to the practice as exemplified by the United States of America and the United Kingdom. For Kant, people act out of "respect" to the law and the moral law as well as not out of self-love by being egoistic, but by the will do to a morally good action (Immanuel Kant, 1785a). Thus, almost all over the world the "*maxim*" for governments would be to see terrorists as bad and thus the actions towards them must be viewed with the highest maxim possible.

Arguments against Kantian Absolutist Deontology

As mentioned already by Peter Singer, there is always the possibility of using the principle of "*rule of rescue*" in crisis situations such as a miner being trapped in a cave or a mountain climber not able to move due to sustained injuries (Peter Singer, 2014: para. 7). Moreover, if we apply the logic to step into someone's shoes, in this case the family of the captured, in order to feel what it feels like being in fear, then we may develop an act of social responsibility among the society and morally re-establish the idea of saving people no matter what the cost. But again, if such a rescue mission would ever succeed also depends on whether terrorists are rationally taking this as a serious approach from the government, as often they have political goals in mind. But government's tend to take it not from a simple perspective but

rather take into account also interests, global practices as well as cost-benefit analysis. Then in this case, would the U.S. win anything substantially if it would save its ordinary citizens compared to a diplomat? If the duty is to save anyone who is a U.S. citizen, then it might be stipulated in the constitution that law to that person protects rights and duties by the government, but in the scenario of ransom payments this does not apply at all. The government is going against its own duties to protect its citizens, which what Rossian Deontology wanted to argue against Kantian Absolutist ideas. If we apply the rules of Kant, no human should be allowed to get killed no matter which situation, but the government will persist to stick to its policy of non-intervention, by which it breaks its own absolutist moral beliefs by not helping him. We can compare this issue with the "*problem of dirty hands*" in politics. For instance, in order for a politician to win the next presidential elections and change a corrupted regime as it is now as this is has ulterior motive, it has to compromise on other influential people's demands and accept certain lobbyism payments or terms by corrupt officials, which eventually makes the person affiliated to corruption. The politician might be morally asking himself why he went to go as far as to "*dirty his own hands*" by agreeing to be supported by the corrupt official, even if that decision is against his own moral beliefs. An individual who has to choose between going to break the rule to pay the terrorists to save his or her beloved ones or relatives even if it meant to go against his own moral beliefs would have to weigh out the importance now not according to consequentialist ideas or Kantian absolutist belief, but from a totally different perspective, where the individual's obligations conflict with his or her moral duties. Would an individual ever live on for having known that he could have done something to save him or her? We would never know that unless we were in that situation. Ross believed that morality is not constituted by categorical or absolute rules such as not killing a person, but rather by *pluralistic morality* (Ross David & William David Ross, 2002). In other words, Kantian deontology ends there where obligations and considerations conflict with each other (Frances Kamm, 1996). For instance, if by duty a government is to protect the rights of my citizens to live, but at the same time it has to stick to the law not to go on a "*rescue mission*" to save him or her from being executed, then the government who is taking the decision is conflicted with both options to which moral duty they should stick to. Hence, Rossian Deontology believes that absolutist principles by Kant are not applicable in politics due

to too many constraints on decision-making process as politics involves many stakeholders and actors. Thus, doesn't allow for easy solutions to be made right on spot.

Another example is when a person is conflicted between two options: either to keep a promise or not to harm a person. In this scenario, Ross would argue that conflict of morality is inevitable, where "relative importance" of those two options is weighted out unlike in Kantian absolutist beliefs (Ross David & William David Ross, 2002). According to the "*Principle of Permissible Harm*" (Frances Kamm, 1996) and "*Doctrine of Productive Purity*" (Frances Kamm, 2007), there is still given a permission to act in a way that harms others. Of course, this goes against the principle of Kant's categorical imperatives but illustrates us that in situations of moral dilemma Kant's absolutist principles are not entirely applicable.

In the case for ransom payment, the government is morally responsible in this reasoning for the deaths of hostages if we apply the absolutist approach by Kant. Even if the government can understand the suffering that the hostage has to go through, their duty to stick to its principles not to negotiate with the terrorists might take precedence according to Rossian Deontology. Another argument for the duty-based theory also suggests that governments can avoid decisions where it might be forced to "choose" the lives it favors to save or not. Otherwise, if the government may choose to save lives between two people, they would better not choose anyone in order not to make themselves morally responsible for their course of action. Kant would disagree with that and say that moral beliefs such as not killing is absolute, but again is the governmental intentionally avoiding terrorists by knowing that he will get killed or not knowing that he would get killed as it is a gamble for the government in a way to react or not to react to the demands of terrorists. Eventually Ross argues that, with his intuitionist sense to use moral beliefs in situational specific case, it is upon to us at the end of the day which decision to take between two conflicting moral principles of obligations and considerations (Ross David & William David Ross, 2002).

Turning the table: Is there anything like a "justifiable" kidnapping?

Is there a moral justification for kidnapers to kidnap a person or a group of people? Irrespective of kidnapers, the action itself is immoral and criminally persecuted in many countries. But if we contextually apply the just war theory with it we can see how the situations in kidnapping a politician or a corrupt person might even bring peace by avoiding

unnecessary killing from both sides if the government of that citizen pays ransom payment. However, what is important is to understand the motives of the kidnapers, as some might kidnap in order to alleviate their problems with the *quid pro quo* principle by securing financial means and others might use the kidnapers as a last resort for self-defense purposes (Rajat Sethi, n.d.: p.8). But do right intentions to reach *peace* by kidnapping a random or specific person then still justify the act and what kind of right intentions can be *morally right* and *universally accepted*? If we for instance take Europe, kidnapping is socially unacceptable and is persecuted whereas in countries such as Kyrgyzstan the act of "*bride kidnapping*" has just been recently in the early 2000's become criminalized by legislation. But again, the very fact that terrorists are labeled as immoral groups of violent and extremist's beliefs with political intentions makes this issue more politicized and rather unique. Politics complicates many moral issues such as the act of kidnapping and it is inevitable to avoid it. In terms of just war theory, it only applies if the self-defense is justified by bringing peace in the long run. But this action must have a "*good will*" to begin with, but understanding that there is a reward for the exchange for the person in terms of monetary values, we can argue that eventually kidnapping is just a mean to achieve whatever goals the kidnapers had.

Conclusion

In a nutshell, we can say that the ransom dilemma itself is not only associated with the morality of the problem, but also within politics it is in terms of discourse a politically driven issue. The example of the USA has shown us that with its hardline utilitarian/consequentialist approach in not cooperating by not taking into consideration the demands of terrorists. They apply a combination of deterrence and retributive method in order to first and foremost indirectly punish or persecute those who were caught by terrorists and on the other side to prevent future attacks. Hence, it is a forward-looking approach. Consequentialist approach itself is also easy to apply for the sake of everyone and regard altruism from the side of the state as morally right to conduct. Thus, a non-interventionist approach would save many lives by giving the society precedence and priority. In strong contrast to that, the European and Israeli approach has shown us that the application of a rehabilitative approach that aims not to prevent, but to rehabilitate so to say terrorists not to commit more kidnappings and terrorist attacks. Hence, the pay-

ment for ransom should serve two purposes at once. Firstly, returning the kidnapped people back to the society. Secondly, to appease terrorist demands for deterrence reasons. However, some ethical philosophers such as Peter Singer have argued that the “*rule of rescue*” always exists for the government but is restrained by a cost and risk factor. To sum it up, consequentialist approach is in general very easy to apply as it promotes the total or aggregate utility. However, this ethical altruistic behavior by the state is on the one hand like opium for people that allow them to be easily controlled. Thus, some argue it to be a usage of cynical, incalculable and simply abusive form of normative ethics that is criticized for being applied to humans as a means to maximize utility, tyrannize the minority by the majority as well as make false premises that maximization of happiness is connected to everyone else’s.

In terms of deontology, Kantian approach of deontology showed us that it is practically impossible to apply it in politics. He though encourages the government to step in and apply *quid pro quo* approach to save the life of a person by sacrificing something. Thus, governments should apply the *highest maxim* towards terrorist duties as being seen for their acts as being morally this should form an absolute rule according to Kant for everyone. Thus, no matter what terrorists will do to the kidnapped person, it is always morally right to save him or her no matter what under this maxim. According to Rossian deontology who provides with the seven *prima facie* duties an alternative in contrast to Kantian deontology, moral decisions based on duties should be balanced in such a way that decisions are taken according to these *prima facie duties* alongside actual duties of the individual himself by weighing up them all up (BBC, n.d.: Rossian duty-based ethics section, para. 5). Hence, Ross uses an intuitionist-based approach in solving ethical dilemmas through *pluralism of individual moralities* (BBC, n.d.; Rossian duty-based ethics section, para. 10). One of the examples that were provided to justify this was the *problem of dirty hands* dilemma. This approach in general though assumes that the person reached sufficient mental maturity and that morally conflict-based situations of obligations and considerations of an individual result in the best morally right action.

It is also interesting to look at the issue by asking oneself to ponder about which one of the sides of society or individual should take first precedence over the other. This question by no means an answer that can or should be answered easily as we have seen by the two examples of normative ethics in deontology and consequentialism/utilitarianism. Even

if these normative ethics provide their moral stances and approaches to moral problems, they do not really consider the question of how someone understands both the “*rightness/goodness*” and “*wrongness*” of decisions as this takes it a bit further than that. Another question is also about the epistemological aspect of things we know. For instance, how could people ever know what they know in terms of what is considered to be “*intrinsically good*” and “*intrinsically bad*” in their own decision-making? Thus, how could people ever know why we know what we know?

These approaches showed us that there is no clear answer between choices of white and black or right and wrong. It is rather a question of how governments react to such ethical dilemmas. Despite that, still today divergent state approaches exist towards hostage situations and ransom payment problems (Elizabeth Bundy, 2015: p.3). States though do question the morality of their actions but as they have to move on and evolve as states, their survival also depends on how quick, effective as well as easy approaches and answers for difficult ethical dilemmas. In the context of Central Asia, ransom dilemma has not yet all been discussed by my knowledge and understanding. Even if it lies in the realm of terrorism, cases of ransom dilemma have not been widely discussed so far in the political agenda nor media or social media. However, it can be though argued that states such as EU having developed over time a strong rule of law as well as a human-centered approach are likely to take a flexible approach than the US. Thus, the process of social constructivism influences a state’s decisions in the long run. Though, it is still necessary to establish for the society a trustful community and a channel of communication with governments in order to understand perpetrators actions and that paying ransom works like an appeasement to terrorists. Sometimes it really takes a strong-willed person to address the ethical problem of ransom dilemma and bring it into daylight of public discourse. Unless someone has not been in such a situation between life and death, he has no moral right to accuse those who were in such situations. The Israeli approach has shown us that they are willing to sacrifice principles or rules for just the freedom of one person. While, examples of UK and US portrayed us that governments often put rules and laws above the life of a person without any moral responsibility for their actions. In this case, the ethical dilemma is practically inevitable to bypass and proves that this is indeed an ethical dilemma for governments all around the world. Thus, in the context of Central Asia, an ethical dilemma of ransom

payment could not be an uncommon feature of the region in the nearest future if threats and incidences of terrorism rise over time. Understanding that the region is plagued by political turmoil's such as in Kyrgyzstan and more commonly with systemic corruption problems, as these factors enable and facilitate political instability and could attract terrorists to build safe heavens or means to build local networks. With this in mind, increasing the likelihood for risks in ransom demand market. Governments of Central Asia should not sit idly down to expect that anti-terrorism policies will eventually lead to no incom-

ing foreign threats. In fact, terrorism is often bred from within and it might go unnoticed. But then it is already too late to react.

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References

- Barber, A. The Real Price of Paying Ransoms: The Australian Legal Position concerning Ransom Payments to Terrorist Organisation. *UW Austl. L. Rev.*, 41, 119. Retrieved from: https://www.law.uwa.edu.au/_data/assets/pdf_file/0009/2958849/05-Barber.pdf – 2016.
- BBC. Duty-based ethics. Retrieved from: http://www.bbc.co.uk/ethics/introduction/duty_1.shtml
- Brandt, P. T., George, J., & Sandler, T. Why concessions should not be made to terrorist kidnappers. *European Journal of Political Economy*, 44, 41-52. – 2016.
- Dalia Eidukiene & Jeremy Bentham: The Ideal of the Greatest Happiness for the Greatest Number of People as a Modus Vivendi. Retrieved from: https://www.researchgate.net/publication/315806362_Jeremy_Bentham_The_Ideal_of_the_Greatest_Happiness_for_the_Greatest_Number_of_People_as_a_Modus_Vivendi – 2017.
- Dutton, Y. M. Funding Terrorism: The Problem of Ransom Payments. *San Diego L. Rev.*, 53, 335. Retrieved from: <https://digital.sandiego.edu/cgi/viewcontent.cgi?article=1079&context=sdlr>. – 2016.
- Elizabeth Bundy. Rescuing Policy and Terror Victims: A Concerted Approach to the Ransom Dilemma. University of Michigan Law School. Retrieved from: <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1343&context=mjil>. – 2015.
- Elliott D. & June K. 9. Consequentialism. *Communication and Media Ethics*, 26, 159. – 2018.
- Espen Gamlund. Ethics. University of Bergen. Retrieved from: <https://www.uio.no/studier/emner/matnat/ifi/MNSES9100/v14/lectures/mnses-ethical-theory-gamlund.pdf> – 2012.
- Government of UK. Counter-Terrorism and Security Bill. Retrieved from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/540539/CTS_Bill_-_Factsheet_9_-_Kidnap_and_Ransom.pdf.
- Hyatt, Rodney. *Granting concessions and paying ransoms to terrorists: A policy options analysis of the US policy on hostage recovery*. Naval Postgraduate School Monterey CA Monterey. United States. Retrieved from: <file:///Users/YerniMac/Downloads/794601.pdf> – 2016.
- Kamm, Frances. *Morality, Mortality Vol. II: Rights, Duties, and Status*. New York: Oxford University Press. – 1996.
- Kamm, Frances. *Towards the essence of non-consequentialist constraints on harming. Intricate Ethics: Rights, Responsibilities and Permissible Harm*. Oxford University Press, Oxford, 130-189. – 2007.
- Kant, Immanuel. First section: Transition from the common rational knowledge of morals to the philosophical. *Groundwork of the Metaphysic of Morals*. – 1785a.
- Kant, Immanuel. *Fundamental principles of the metaphysic of morals*, translated by Thomas Kingsmill Abbott. Kant's writings on the web (<http://eserver.org/philosophy/kant/metaphys-of-morals.txt>). – 1785.
- Koseli, M., Ekici, N., Eren, M. E., & Bitner, C. Use of kidnapping and extortion as a tool for financing terrorism: the case of the PKK. *Behavioral Sciences of Terrorism and Political Aggression*, 1-16. – 2020.
- Martin Nwadiugwu. Consequentialist Theory. doi: 10.13140/RG.2.1.1891.2727. Retrieved from: https://www.researchgate.net/publication/283715974_Consequentialist_Theory – 2015.
- Mellon, C., Bergen, P., & Serman, D. TO PAY RANSOM OR NOT TO PAY RANSOM?. *An examination of Western hostage policies. Washington, DC: New America*. Retrieved from: <https://d1y8sb8igg2f8e.cloudfront.net/documents/hostage-paper-final.pdf> – 2017.
- National Post. "Ransom dilemma: Governments left with few options when terrorists capture their citizens" Retrieved from: <https://nationalpost.com/news/world/ransom-dilemma-governments-left-with-few-options-when-terrorists-capture-their-citizens> – 2015.
- Notre Dame Philosophical Reviews. Do the ends justify the means?. Retrieved from: <https://www3.nd.edu/~jspeaks/courses/2019-20/Fall-10106/lectures/19-consequentialism.pdf> – 2019.
- Nünlist, Christian. Kidnapping for ransom as a source of terrorism funding. Center for Security Study, Zurich. – 2013.
- Peter Singer. "The Ransom Dilemma". Project Syndicate. Retrieved from: <https://www.project-syndicate.org/commentary/islamic-state-hostages-ransom-by-peter-singer-2014-12> – 2014.
- Rajat Sethi. Ethical Dilemma in Paying Ransom. Harvard Kennedy School. Retrieved from: https://www.academia.edu/9785732/Ethics_of_Paying_Ransom
- Ross David & William David Ross. *The Right and the Good* (Clarendon Press, Oxford). – 2002.
- The Ethics Centre. Ethics explainer: Consequentialism – Consequentialism is a theory that suggests an action is good or bad depending on its outcome. Retrieved from: <https://ethics.org.au/ethics-explainer-consequentialism/#:~:text=Consequentialism%20is%20a%20theory%20that,of%20this%20theory%20is%20Utilitarianism.> – 2016.