Case Study #1: Ethics of Paying Ransom for Hostages

Read the sections on Mill and Kant in the chapter on Ethics in our text, and read/listen to the attached articles from NPR 1A. The completed assignment should be three pages long, (approximately 2000 words) using 12 pt. fonts and single spacing with one inch margins. Please follow the assigned format as exemplified at the end of this document. Each answer should be separated, numbered and the length proportionate to the number of points possible. This study is worth a total of 100 points. Keep Scrolling Down – Detailed instructions, rubrics and a sample completed assignment are on the pages following the Background! Your completed assignment is due on the 11th of March.

Questions:

1. **Identification of key relevant ethical issues: (2-3 questions).** The core moral issue for this case is, “What policy should the United States hold regarding the payment of ransom to kidnappers of her citizens in foreign countries?” However, there are several related larger moral issues that must be identified in order to respond to this particular issue. Remember that a moral issue is normative – these are to be expressed as questions using normative terms (e.g. using terms such as “should” and “ought,” and concerning issues of right and wrong regarding moral rights & obligations, etc.). (10 points)

2. **Asking the Right Questions:** Before you can answer the overarching moral question for this case, you need to gather some evidence and critical information. What facts would you need to know about this case to make a reasonably informed judgment? In this section, note that you should be raising non-normative questions such as the current policies of various countries regarding the payment of ransom, the revenue and costs of ransom payments worldwide, etc. but not questions about Mill or Kant. Provide as a bulleted list and pose in question form. For this assignment, you do not have to find answers for all the questions you raise but you need to pose the kind of questions that would drive such an information gathering project. These should be research questions and as such should be concrete and answerable with reference to assessable data and reliable sources. No bias or prejudice should be evident and the questions should be assessable and non-normative (no “ought,” “should,” “would,” or “could,” “will” or “what if” questions). Think about facts that, if known might help determine how one should or could respond to the case. (20 points)

3. **What policy would Kant be likely to justify regarding the US government’s payment of ransom to kidnappers?** Defend your answer including specific details from Kant’s deontology & provide citations from Kant (primary source = Kant’s writings and does not include secondary commentary from Solomon or from me) to support your answer. Remember, I’m looking for an informed response with rich detail from the case to illustrate the specific key points Kant would find relevant. Be sure to raise a counter consideration to the argument and provide an appropriate response to the counter consideration. (30 points)
4. **What policy would Mill be likely to justify regarding the US government’s payment of ransom to kidnappers?** Defend your answer using specific details from Mill’s utilitarian approach to ethics & provide citations from Mill (*primary source = Mill’s writings and does not include secondary commentary from Solomon or from me*) to support your answer. Remember, I’m looking for an informed response with rich detail from the case to illustrate the specific key points Mill would find relevant. Be sure to raise a counter consideration to the argument and provide an appropriate response to the counter consideration. (30 points)

5. **Conclusion:** Where do you stand on this issue? Do you think the United States government should ever pay ransom to kidnappers of US citizens? Briefly defend your answer without resorting to a repetition of points made in previous sections. (10 points)

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**Background1**: Case Study #1

*Thursday, Jan 24 2019 • 10 a.m. (ET)*

Not For Sale: How America Brings Home Its Hostages2

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1 Please note that in Sections 3, 4, & 5, you are not limited to the background offered. It is expected that you will do more in-depth reading to develop your thesis. You may feel free to use any credible/reliable source as evidence for your arguments. Additionally you may use additional material from Kant & Mill to defend your answers. Please provide full citation for all research.

commissioned a filmmaker to produce a short video to show at fundraising events, hoping to raise enough money to exchange for their son. But the fundraising never really took off. In August of 2014, James was executed by the Islamic State.

Joel Simon, a longtime employee of the Committee to Protect Journalists, started a review of the no concessions policy following James’ death, evaluating whether it is the right approach. He writes in his book *We Want To Negotiate: The Secret World of Kidnapping, Hostages and Ransom*:

Different countries take different approaches to the kidnapping of their nationals. Some take a hard line, and others are willing to talk. I wanted to understand not only which approach was more effective, but also the moral and political consequences of providing funding to a terrorist organization.

[...] When its citizens are held hostage, a government must adopt a posture along a continuum — on one end, you walk away from a threat to kill a hostage, and on the other, you capitulate to it.

Eighty-one percent of EU hostages held by Jihadi terrorist groups such as al-Qaeda and ISIS were freed, according to a New America study from 2017. In contrast, hostages from the U.S. were freed 25 percent of the time. Simon says the data is conclusive on this point: “Countries that pay ransom tend to get their hostages home alive.”

What have we learned about the way the U.S. handles hostage situations involving its citizens? And as threats to journalists abroad have increased, what needs to change? *Show produced by Paige Osburn. Text by Kathryn Fink.*

Guests

- **Joel Simon** Executive director, Committee to Protect Journalists; author, “We Want to Negotiate: The Secret World of Kidnapping, Hostages and Ransom”; @joelcpr
- **Diane Foley** Founder, The James W Foley Legacy Foundation; @dmfaprn

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*Kep scrolling down for rubrics and a sample completed assignment!*
General Suggestions for Writing Case Studies

How not to write your paper:

I. Focus & Relevance
Be sure that you understand the assignment and have understood each question. Your responses should be focused on the questions I’ve asked & not the questions you wish I had asked! It is important to weed out all irrelevant considerations or concerns that an economist or historian or political scientist might have but are not strictly speaking, ethical concerns. Look at the completed sample case study for some ideas.

II. Case Study Format
You should copy & paste or re-type only the first part of the question (the portion in bold type). Please number each response corresponding to the assigned questions. Papers should be 3 pages, using 12pt. fonts and 1 inch margins all around. There should be an extra space separating your responses to each question. Again, please reference the completed sample case study and follow the format exemplified.

III. Tone/Voice
Ever since George Carlin pointed out that “using your own words” would result in a private and hence meaningless expressions, I’ve had to give up on the phrase, however a certain degree of originality is still important. Your task is to explain a concept as if you were the Teaching Assistant for this class. If you simply repeat the text or my lecture, you haven’t helped your imaginary student. You need to clarify the argument/concept in a way that demonstrates that you really understand it and can express the same ideas in a way that is different than has already been explained by the text or by me.

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3 Please note that these guidelines are for my class assignments. Individual instructors may have other format preferences and you should consult with your teacher for the details before completing your assignment.
IV. Formatting and Phrasing Questions

Students often find Sections 1 & 2 the most challenging. Section 1 questions are supposed to break the key question down to more particular components of ethical issues surrounding the issue or other basic and general ethical questions that must be answered in order to respond to the core question. For example suppose the core question raised is, “Should net neutrality be preserved?” This raises further issues such as:

- Should the internet be viewed more properly as a public utility or as a private commercial enterprise?
- Should the Federal governmental policies outweigh the various State mandates governing the internet?
- Does the throttling of certain content by Internet Service Providers constitute a form of unjustifiable censorship?

In section 2, the questions are supposed to be very different. These should be fact-based & data questions that would be likely to drive effective research facilitating an informed response to later sections of the assignment. You should avoid any questions involving “ought,” “should,” “would,” or “could,” “will” or “what if.” In a similar vein, questions asking about the popularity of policies or opinion polls are usually irrelevant to the philosopher. (Most take a form of the “ad populum” fallacy.) Suppose, in the example given above, you want to know what is likely to result in the cessation of net neutrality. This initial concern isn’t concretely answerable so it would not be the right question to put in this section. However, it can be broken down into many assessable questions that you could research. In this case you may ask questions that include the following:

- What is net neutrality and when was it enacted and when was it repealed?
- What were the reasons the Chairman of the Federal Communications Commission, Ajit Pai, offered to support the repeal of net neutrality?
- When other public services or industries were deregulated in the past, did it result in lower consumer costs, greater efficiency and higher innovation?
- When public utilities have been privatized, were there any significant changes to costs or quality of service?
- What do industry experts predict in terms of impact on consumer access to internet sites?
- Have any of the ISPs announced their pricing strategies, post repeal of net neutrality and, if so, what are the changes to both content producers and users in terms of price to access data?
- Which states are currently developing legislation to restore net neutrality?
- Are there constitutional requirements stipulating when state laws are subordinate to federal laws?
What is “throttling” and does the repeal of net neutrality make this a legal practice?
How are search algorithms changing since the repeal of net neutrality in terms of prioritizing certain content providers?
Are there any legal requirements regarding access to the internet as there are requiring access to phone service for low-income households?

V. Adequate and Balanced Defense of Your Argument

In question three and four, you are asked to make an argument using the philosophers we’re studying. You should be clear in your thesis in the first sentence of the first paragraph of section #3 & #4 (and your own thesis should be in the first sentence of section #5). It is important to ensure that your application is consistent with the philosopher’s theory and that you support that application with a well-thought-out defense. Your analysis should reflect a degree of familiarity with not only the philosophical theory but also the key facts of the issue gleaned from a number of reputable sources. You should include counter-considerations that are relevant to that theory and could impact the philosopher’s conclusions.

VI. Quotes & End-Note Citations

All citations should be presented as endnotes – not as footnotes nor as works cited. (See example provided.) The endnote citations do not count as part of your page limit.

Quoting is a way of supporting your interpretation of an argument or theory and is critical to a scholarly endeavor. Relevance to your response and to the question asked is critical. Quotes can be edited to shorten them but be careful not to take the quote out of context, thus altering the intent of the author. The length and number of quotes must be appropriate to the length of the assignment; short papers require shorter and perhaps fewer quotes.

All quotes on the philosophers must be from primary sources – i.e. must come from the original author’s works, neither from the secondary commentary of the author of our text nor from my lectures nor my power points. If the quote was found in our text, they need only be cited with the page number of our text where it was found (see sample completed assignment). However, quotes from all other sources must be fully and completely cited. You may not use quotes that I’ve already used in my lectures or power-point slides! No quotes should come from sources such wiki-quotes, intelli-quotes, brainy-quotes, Mill-quotes, Kant-quotes, etc. as these are insufficiently scholarly and often include misquotes. All close paraphrases and every piece of data/factual reference should also be cited though not necessarily encapsulated in quotation marks.
An additional really valuable use of end-notes is moving a discussion or definition which would be a distraction in the body of the text to the end of the paper. This way the reader is provided with the relevant information but the flow of the argument presented is not interrupted.

VII. Length
Part of the criteria for success is effective use of the space allowed. If you write a single page for a three page assignment, you have not satisfied this criterion. However, this is not an invitation to use the additional space for stream-of-consciousness or irrelevant information not pertinent to the assigned issue. If you are having difficulties with the length, it is usually because you have not recognized or developed sufficiently the various issues involved. Conversely, if your draft is too long, you need to whittle it down to just the relevant essentials, perhaps editing out the anecdotes or redundancies; more is not always better! I am very willing to help if you submit drafts sufficiently before the due date.

VIII. Rough Drafts
I have invited all of you to bring rough drafts of your completed assignment in for a preview reading. I do not offer re-writes after I have graded your papers. Rough drafts are brought in during my office hours or by appointment and I only read them in person - with the student present. Please do not submit rough drafts electronically nor should you drop them off in my box.

I support pro-active measures that encourage preparation and thought and with rough draft readings, both the student and I should benefit with the end result being a better final draft. If your work satisfies my criteria (see rubrics following) for “A” level work, and if the draft is formatted and printed in final draft format, I will sign off on the draft, guaranteeing those students somewhere between 100% and 90% of the points possible for this assignment. Your cut-off for rough draft submissions is 24 hours prior to the due date; I will read no rough drafts the day of or the day prior to the due date.

Keep scrolling down for rubrics and a sample completed assignment!
Standards (Rubrics) for Grading Case Studies

The excellent paper (100-90% of points) will exhibit the following qualities:

Question 1:
- Issues identified are of a normative/moral nature. (i.e. they contain normative terms such as “Should” or “ought” and are concerned with issues of right and wrong regarding moral value, rights & obligations, etc.)
- Each issue is distinct and not repetitive of other issues raised.
- Each issue is not just a re-phrasing of the core moral issue raised in the assignment.
- Issues are presented as grammatically correct questions and are presented in a bulleted list.
- Issues cited include the most central, relevant issues associated with the topic.

Question 2:
- All items are listed as normatively neutral questions. No immediate bias is evidenced and no questions center on what “ought” or “should” be the case.
- All critical questions have been raised given the space allowed.
- Questions are relevant to the case and would be likely to be relevant to the philosopher/theory being applied to the case.
- Questions are likely to drive effective and informative research. The questions should be factual and assessable/answerable (think in terms of hard data, authoritative studies, historical events or past trends).
- Questions are not phrased in terms of what will, might or could happen but what has happened; remember one cannot gather data from events that have yet to occur.
- Questions are grammatically correct and are presented in a bulleted list.

Questions 3 & 4:
- A clear thesis statement is made in the first sentence.
- Argument is focused on the key issues.
- Argument is clear and well organized.
- Argument is consistent with the assigned philosopher’s theory.
- Argument is effectively supported with relevant reasoned discussion.
- At least one primary counter-consideration is discussed.
- Sufficient detail from the philosopher’s theory is provided.
- Argument is effectively supported with relevant quotes from the philosopher’s primary work & all quotes are cited properly. (Note that in the example to make the most effective use of space allowed, endnotes were used; endnotes do not count as part of the 3 page limit.)
- Quotes provided are not too numerous or disproportionate to student’s original discussion; they play a supporting role not a starring role. No quotes are used from lectures or power-point presentations.
Responses reflect thoughtful and detailed consideration of not only background material provided but also a further familiarity with the events and history surrounding the issue. Responses should be reasonably well informed, citing credible and relevant facts about the case/issue assigned.

No immediate personal bias is evidenced.

Question 5:
- Thesis is clearly stated in 1st sentence
- Discussion is not repetitive of any previous section.
- The argument satisfies the ARG criteria.

Overall Impressions:
- Study presents evidence of a thoughtful and deliberative approach.
- Language is clear and explanations/arguments are original
- Effective use has been made of space allowed with the length of each section proportionate to the number of points possible for that section.
- Study reflects careful consideration of background material provided.
- Study reflects that the author has explored the issue well beyond the background material provided
- The study is scholarly, with effective use of the essays and relevant philosophical theory.
- There is good logic flow from one response to another – issues raised in earlier questions must link logically with responses to later questions.
- Quotes have been provided which are relevant – supporting arguments made, are of appropriate length, are cited properly, are principally from primary source material and quotes are not those which have been used in lectures.
- Assignment format has been followed.

Good (89-80% points)
The good paper will demonstrate all the above qualities but perhaps to a lesser degree or, will demonstrate some of the above qualities excellently, but not all of the qualities will be presented at a consistently high level.

Satisfactory (79-70% points)
The satisfactory paper will present all of the above qualities but not as strongly as the good paper or, some qualities may be stronger with some not as strong. Insight is not usually present.

Needs Work (69-60% points)
This paper is weak on many of the desired qualities.

Really Needs Work – Pretty Much Unacceptable (59-0% points)
This paper presents few if any of the desired qualities.

Keep scrolling down for a sample completed assignment!
1. **Key Moral Issues:**
   - What obligations do school districts have to research and develop diverse curriculum?
   - Should high school curriculum reflect proportionately the ethnic demographics of the students who attend?
   - Does the passage of AZ House Bill 2281 equate to unwarranted censorship and thus conflict with issues of academic freedom?

2. **Asking the right questions:**
   - What is the population distribution by race/ethnicity of AZ high school students?
   - What was the drop-out rate for AZ Latino students before vs. during the program? How did the drop-out rate of students who participated in the program compare to the overall drop-out rates of the school district?
   - Are there statistical correlations between drop-out rates and unemployment, homelessness and crime?
   - What portion of tax revenue is spent on crime prevention and mediation in Arizona?
   - Are there estimates of lost tax revenue due to unemployment and homelessness in Arizona?
   - How have the students in the ethnic studies program performed on standardized tests as compared to the general population of students in the district?
   - Was there an increase in school violence or public disturbances linked to racial tension during the period the program was taught?
   - Have any scientific studies been performed to link diversity of curriculum to student success?
   - To what degree is the contribution of non-white persons included or recognized in current curriculum not focused specifically on ethnic-studies as evidenced by inclusion in texts and other course material?
   - What was the racial background of the students who participated in the program?
   - What is the ethnic/racial background of those who serve in the AZ House?
   - Is the public funding of AZ schools very limited or decreasing & how does AZ per student spending compare to other states in the US?
   - Have there been significant changes to the tax revenue or apportionment towards education in the state of Arizona & how does the percentage of proportionment compare to other states in the US?
   - How much does the ethnic studies program cost per student compared to the general courses taught and how many students as a percent of the total school district population does it serve?
   - In other states/cities/districts what impact has the institution of ethnic studies programs had on the students who participate in terms of completion, transfer and continuing success post-graduation?

3. **Kant's Position on AZ House Bill 2281:**
   I will argue that Kant would reject the passage of AZ House Bill 2281. There are two critical reasons that would drive Kant’s rejection of this bill. First, the bill is inconsistent with the duty of an educator. Kant is a deontologist, not a utilitarian; this means we have to act based solely on the idea of duty and not on anticipated outcomes. Kantian duties are to be derived by looking at the meaning or intention behind the actions – we are to act from what Kant calls “pure practical reason.”
   
   "But if pure reason of itself can be and really is practical, as the consciousness of the moral law proves it to be [cf. §2.2 on the “fact of
reason"], it is still only one and the same reason which, whether from a theoretical or a practical perspective, judges according to a priori principles….” Kant’s idea of "a priori principles" is that we cannot rely on subjective preference or individual anecdotal experience – principles must be drawn from what things are. This means that to figure out the duty of an educational program, one must look at the purpose or definition of education. Kant wrote, “It is, however, not enough that children should be merely broken in; for it is of greater importance that they shall learn to think. By learning to think, man comes to act according to fixed principles and not at random.”

If the principle purpose of education is to create a climate for and growth of critical thinking and if the ethnic studies programs serve that purpose well, then the ethnic studies are not only defensible but obligatory. There is very good evidence that critical thinking is a significant part of the design of this curriculum.

Secondly, passage of the AZ House Bill 2281 is in direct conflict with Kant’s conception of respect for persons. When discussing duties, Kant emphasizes the importance of developing and preserving that “ennobling” characteristic of human dignity and that this should be the practical content of a child’s educational experience. Under much of the standardized curriculum, a child only reads about the contributions of one particular culture or ethnicity – often and in the case under consideration in AZ, one to which the child does not belong. Certainly embedded in Kant’s idea of human dignity is respect – a sense of inherent worthiness – for every person as "end in itself." To be consistent in our commitment to respect for persons, we cannot talk about respect for only some persons. When some people, solely by virtue of their ethnicity, are excluded from the narrative in the curriculum, a clear message is sent that those groups of people are not only less worthy than others but that their contributions are culturally and historically insignificant. Given his dedication to the idea of telling the truth, I doubt Kant would approve of this message which is tantamount to a lie and thus entirely inconsistent with being respectful!

However, I also don’t believe that Kant would be completely unequivocal in his rejection of AZ House Bill 2281. It might be reasonably argued that Kant would reject any curriculum focused on specific ethnicities or student populations. For Kant, one of the most important criteria for moral action is the principle of universalizability. This means that we can’t approve of an action or policy unless it can be applied to all persons as a "universal law." Certainly there are good reasons to be concerned about preserving a common core educational experience. This seems to imply that Arizona would have to either cover all ethnicities in every class for every student or ignore the issue of ethnicity entirely which could lead to the loss of important sociological, psychological and even philosophical insights. Kantian approaches do result in the possibility that sometimes conflicts of duties result in a scenario of no perfect options available. I believe that for Kant, the better – but not perfect choice – would ultimately be to support these ethnic studies until at some point in the future, the core curriculum becomes more inclusive or in some very distant future, ethnic identity becomes irrelevant.

4. Mill’s Position on AZ House Bill 2281:

Mill would ultimately also argue that Arizona is not morally justified in passing this bill. At first glance it might seem that as a utilitarian, Mill would be forced to support this bill. Public school funds are always limited and schools across the nation are largely in a situation of economic triage – allowing those who won’t succeed without intervention to languish and sacrificing the programs geared towards the most excellent in order to serve the middle majority of students. Mill, as a utilitarian, would weigh the moral worth of this bill in terms of outcomes and the number of people affected. From such a cost-benefit analysis, it appears that the ethnic studies programs are more expensive and do serve a smaller population of students. Since the utilitarian credo demands acting to promote the good for the greatest number of people and does not demand an egalitarian distribution, it might seem that the cash-strapped state of Arizona might make the same argument other schools have been forced to make regarding music, art and
language courses. However, looking more carefully, there are three critical reasons why Mill would have rejected Arizona’s House Bill 2281.

First, the previous argument ignores the fact that the outcomes were significant in terms of greater retention and graduation rates, better scores on standardized exams, higher transfers to colleges, and a significantly more motivated student body who felt empowered to work towards issues of social justice and equal opportunities for Latinos. Under the old system, one must consider the cost of educating students who fail or drop-out. The waste of finite public resources, combined with the social cost of high school drop-outs in terms of quality of life, higher incidences of crime, unrealized potential and lost productivity cannot be disregarded.

Secondly, Mill held there is a connection between education, a just society and the greatest good or ‘happiness’ as he called it. For Mill, happiness involved free will, empowered action, a sense of pride and most importantly, a kind of higher rational dignity. He argued, “The present wretched education and wretched social arrangements are the only real hindrance to its being attainable by almost all.” If it can be adequately shown that the ethnic studies do contribute to such qualities for a significant number of students – and anecdotal evidence supports this – then this is just the sort of program of which Mill would most approve. Many of the participants reported a significant change in their understanding of how their ancestors contributed to this country and that they had gained a real sense of empowerment and optimism about their own future.

Finally, as a classic libertarian, Mill was opposed to excessive government intervention. He wrote, “The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.” There appears to be little evidence to support that there was an active harm incurred through the teaching of ethnic studies. Contrarily, there is good evidence that an ethnically diverse curriculum is pedagogically defensible. The Arizona state legislators’ move has effectively curbed a cherished practice of academic freedom which is clearly consistent with Mill’s position on governmental overreach. Encyclopedia Britannica defines academic freedom as, “…the freedom of teachers and students to teach, study, and pursue knowledge and research without unreasonable interference or restriction from law, institutional regulations, or public pressure.” In order to justify this Bill, the legislators needed to demonstrate positive harms such as proving a clear link between an increase in racially motivated violence and the program. Mill argued strenuously against censorship in On Liberty, “If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind.” It seems clear that, in this case, there are greater harms in censorship and the erosion of freedom than there are gains made in the name of consistency and standardization. When one includes the books that were also banned, this looks like a bad Bill likely to result in worse consequences.

5. Conclusion: I believe these programs need to be supported – not at the sacrifice of other programs or student populations but as an addition and enhancement of their educational opportunities. The argument in Arizona thus far, has been presented as a bit of a utilitarian false dilemma: either serve the majority at the sacrifice of the minority or serve the minority, thus diminishing the good to the majority. My answer to those utilitarians is to serve all, and in doing so, increase the good for current and future generations. The means by which this can be accomplished is to increase school funding as AZ is one of the lowest states in per student spending in the nation. Further, I believe that Kant has left out a big piece of the educational experience when he omits the subjective aspects; the passion and engagement that these programs are capable of generating must be preserved. If a student’s education is not relevant to that student, all efforts become futile. At some point in the future, with the development of more inclusive curriculum and texts, these programs may not be as essential as they are currently given the lack thereof.
i Text, p. 698
iv Ibid.
v Text, p. 705
vi Ibid.
vii Text, p. 699
x Text, p. 720
xii Text, p. 811
xiii Ibid.