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Ethical Explosion Over Scotland

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The dilemma underlying many ethically challenging issues is selecting the better of two competing moral goods – or opting for the least bad between two negative choices. Scot-

land's release of Abdel Baset al-Megrahi, convicted of killing 270 people in 1988 by placing a bomb aboard Pan Am Flight 103, was a choice that clearly involved such tradeoffs.

In August, Scotland released the Lockerbie bomber, a former Libyan secret service agent, on the grounds that he has terminal cancer and less than three months to live. Scottish law allows the release of prisoners on the grounds of compassion. The tradeoff to be weighed was between the humane treatment of one individual and the safety of the society against which he was convicted of committing a terrorist act.

Unfortunately, the Scots made the tradeoff in the wrong direction. Here are just a few of the flaws in the thinking behind this decision.

It is ridiculous to believe that a medical prediction of exactly three months to live can be made confidently, especially about the long-working and gradually fatal disease of prostate cancer. That the Libyan government apparently paid for a medical review of al-Megrahi's condition to arrive at his prognosis makes it even more dubious. This man may live for some time.

Even if he is at death's door, to argue for releasing al-Megrahi from prison on humanitarian grounds ignores the magnitude of his crime. This is not someone who killed one victim during a robbery. Such a person would be unlikely to incite others to kill or to kill again themselves, so the risk of releasing them would be small.

But terrorists fall into a special category, because they are part of a global movement seeking to kill large numbers of people and destabilize organized societies. To release al-Megrahi ignores the damage he can do as a symbol for terrorists from Al Qaeda to the Taliban in his remaining time alive. Witness the hero's welcome al-Megrahi received when he returned to Libya. He can have a significant negative impact in just a few months, as proof that terrorism may have its penalties, but in the end the punishment can be waived on humanitarian grounds. This is a bad message to convey to terrorists.

Some people believe al-Megrahi was wrongly convicted, based

on the circumstantial evidence that a shirt he allegedly purchased was found wrapped around bomb fragments recovered from Flight 103. But the solution to this is to retry his case. As it stands, he has been convicted and that consigns him to prison for life – meaning until death.

To argue that release from prison is mandated on humanitarian grounds, one would have to argue that Scottish prisons are inhumane. Given modern European prison standards, that is incorrect. Three meals a day, the right to visitors in a controlled setting, television, access to reading material, the right to practice one's religious beliefs – all are features of the Scottish prison system. So why is it more humane to release this man to go home to Libya to die than to allow him to die in prison?

Given the inappropriateness of these ethical tradeoffs, why then did the Scottish government decide to release al-Megrahi? British Foreign Minister Jack Straw has acknowledged that British desire to protect their oil and gas concessions with Libya may have driven the bomber's release. The Libyan government had apparently communicated to Britain that the commercial relationship between the two countries could suffer if al-Megrahi died in prison. The image of independent governance for Scotland may not always be accurate; in this case, British officials seem to have pressured their Scottish counterparts.

But why choose to release a terrorist to protect trade with Libya? Couldn't the British have provided another gesture to the Libyans to shore up their oil and gas leases? Lifting international sanctions, promoting tourism to Libya and supporting science and technology development are all benefits Libya has sought from other countries in recent years. Surely the British could have found incentives in these or other areas to provide Libya in order to protect their oil and gas deals.

This whole episode displays bad government decision-making. The wrong ethical choice was made under the guise of humanitarianism, and financial interests may have intervened to further skew the outcome.

The Scottish parliament should review Scotland's compassionate release law and it should not be allowed in cases involving the crime of terrorism. And our good friends the British should in the future consider more carefully the costs and benefits of the ways in which they seek to protect Britain's trade interests. Financial advantages would hardly be worthwhile if the decision to release a prominent terrorist led to a flare-up in terrorist activity. Ω

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