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Title: Moral Assessment of Individuals in Idealistic Enterprises: An Example from Clandestine Weapons Research and Counterterrorism (Part II)

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Abstract. This is the second and final installment of an article based on a presentation, "Moral Assessment of Individuals in Idealistic Enterprises," by Ms. Jean Maria Arrigo at the 1998 Annual Convention of the American Psychological Association, San Francisco, California. In the first installment (September 4, 1998, IBPP, 5(10)), Ms. Arrigo explored the principles of competitive evolution and operationalization as they might morally and ethically impact on nuclear weapons-related research and on counterterrorist response to nuclear and biological terrorist attack. In the present installment (with very minor editing by IBPP), Ms. Arrigo continues exploring operationalization and then concludes with an analysis of moral assessment of participants in idealistic enterprises such as clandestine weapons research and counterterrorism. (For more information on Ms. Arrigo, see IBPP, 5(10). She can be contacted at jmarrigo@pacbell.net.)

Operationalization. What about the operationalization of Levin's program (torture associated with interrogation of an alleged terrorist involved in an incipient "nuclear time bomb" attack on New York City)? At minimum, medical assistance is needed in support of torture associated with interrogation. The brain functions in a narrow range of metabolic parameters. When the torturer impairs the ability of the brain to withhold information, he or she impairs the ability of the brain to give information (9). Worldwide, physicians monitor torture victims for endurance, treat victims to prepare them for further torture, falsify autopsy reports, and so on(10). The Indian Medical Association surveyed its members and found that 58% considered torture associated with interrogation permissible, while 14% said they had witnessed it (11).

As a second requirement for operations, Levin's project would have to coordinate with the 40 or so federal agencies that comprise the U.S. counterterrorism program (12). Loyalty, reliability, and accountability are crucial. According to Rood, outlaws or psychopaths could not be desirable as torturers. Instead, torturers would have to be well-trained and professional. To sit down and deliberately torture a person over a period of six weeks is asking a lot of a human being. And, therefore, you have to recruit them very carefully. Like the Nazi Death's Head SS, this elite corps would be isolated from other regular military and intelligence organizations: "one, because they were an elite group, but secondly because of the reputation they would have. None of us would want to keep company with them. You see, they've got 'dirty hands'." Their commanders would inevitably gain special powers--"That would be a Schellenberg or a Heinrich Himmler, or somebody like that," and his elite corps would destabilize military discipline and democratic process.

So Levin's proposal, which had a strong utilitarian moral rationale at the beginning--saving New York City at the cost of a terrorist's family--looks much worse at the end.

As Rood puts it, "The utilitarian argument would be that you don't get anything out of the terrorist by torturing him, and that you use up a lot of your people... and you don't get any return. So why would you build an institution to torture people?"

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Moral Assessment

What would be a good mode of moral assessment of participants in idealistic enterprises such as clandestine scientific research?

The judicial method. The President's Advisory Committee on Human Radiation Experiments reviewed 4,000 radiation studies between 1944 and 1974(13). The Advisory Committee used a judicial method for assessment. I'll explain this, then introduce another method.

The Advisory Committee sought to determine the damages to victims of radiation studies, the applicable moral principles, and the knowledge and intentions of the responsible researchers and administrators. With this heavy burden of proof, the Committee was unable to judge individual participants. The Committee chair, bioethicist Ruth Faden, said this at a 1996 bioethics conference(14): "[W]e clearly stated our view with regard to certain experiments being categorically unethical. But we did not take the next step of identifying particular individuals, whether they were investigators or government officials and saying, "These people in particular are morally blameworthy as individuals--and should be sanctioned...." Committee member Ruth Macklin explained the difficulties of investigation: [D]id we have enough [information] about specific individuals and what they did or did not do?" One of the physicians at Rochester who did the actual plutonium injecting did not know what he was injecting into people. That is, the whole operation was so secret.

The Committee did not judge individuals because it could not get inside the black box: What did the accused know, think, intend? But getting inside the black box is just what the judicial method requires.

Ecological method. I want to compare the judicial method with what I'll call an ecological method of moral assessment, explained by one of my oral history interviewees, West German social psychologist Stefan Hormuth.

After the Berlin wall came down, Hormuth was a board member of the East German Psychological Society. He had a major role in restructuring almost all psychology departments in East German universities. There was general agreement that professors who had worked for the secret police should be dismissed. Communist Party membership had been required for tenure, but professors who had used Party membership for exploitation of others should also be dismissed.

Hormuth's thinking about the political-ethical evaluations of East German faculty avoided the black-box problem. In an institution where there are many people filling approximately the same role and facing similar moral challenges, we can think of a population distribution of responses.

Hormuth(15): "The positions and the roles we take in a certain society are open to us to interpret and make use of and find out what the real constraints are and what freedoms we have within those constraints...."

There were people who behaved one way--gave up career and privileges [so as not to collaborate with the secret police or Communist Party]--and there were people who, under the same circumstances, behaved another way. That means there were degrees of freedom in this environment. How do people make use of those degrees of freedom?"

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So we have a distribution of behavior, and for a particular purpose of moral assessment, we make the cut in one place or another. In East German university, collaborators of the secret police were dismissed, but in a borderline case, a professor was transferred to a lower research position without student contact.

An imaginary case. Let's look at a judgment problem that could arise in Levin's interrogation and torture program. In the course of competitive innovation, the new field of pain management would probably be tapped. Researchers intentionally induce pain in dogs, cats, rats, and other laboratory animals to study mechanisms of pain and pain relief. During a conversation I had with him, John Liebeskind, one of the founders of the American Pain Society, was horrified by my observation, during a conversation, that his research could be applied to torture techniques. Liebeskind had never been involved in classified research, but he sent this reply in response to my question(16): "I don't think I am or would be in a good or well-informed position to assess the ethical consequences of any military project I might be asked to help with. They wouldn't tell me the truth (and I certainly wouldn't know if they had or not), and I wouldn't really understand all the ramifications even if they did or thought they did. So if we are developing something military and are in competition with other countries, I would feel an us vs. them dilemma, and there surely aren't very many them I would trust more than us."

Liebeskind's reply resonates with one the Advisory Committee cited in a radiation study it condemned. A Manhattan Project scientist said of participating physicians that "[T]hey realized it was something confidential (17). They could guess, and they probably didn't guess very wrong, but they were willing to cooperate just on the basis that this was an important thing."

Like Liebeskind, the physicians implicitly trusted the idealistic motivation of the project and the necessity for secrecy. What they didn't reckon on was the moral problems that would arise as the project evolved through competitive innovation and operationalization. So it is not hard to imagine that a great humanitarian like Liebeskind could end up as an unwitting participant in an idealistic program of pain research with unacceptable moral developments.

The judicial method of the Advisory Committee, in effect, excuses those who cooperate with national security projects from a position of trust and ignorance. The ecological method looks across the range of those confronted with similar opportunities and constraints.

Conclusion.

In closing, I present Stefan Hormuths moral challenge(18): "The consequence of not making a judgment is also really not knowing what you do, not if you were but if you really are in the same situation....If I say, 'I don't know what I would have done [in this situation, it] means if I really do come in that situation, I'm not prepared for it. I just say, 'I don't know what to do'."

Through application of the ecological method of moral assessment, we would instead develop our understanding of the moral opportunities available to us in idealistic institutional enterprises. (See (9) Hinkle, Lawrence. E. (1961). The physiological state of the interrogation subject as it affects brain function. In A.D. Biderman & H. Zimmer (Eds.), *The manipulation of human behavior* (pp. 19-49). New York: Wiley. p. 19; (10) An historical overview and bibliography appears in: Vesti, P., & Somnier, F. E. (1994). Doctor involvement in torture: An historical perspective. *Journal of the International Rehabilitation Council for Torture Victims*(Copenhagen, Denmark) 4 (3), 82-89; (11) 18.6% of a random sample of 4,000 members responded to the mail questionnaire. (Sobti, Jagdish C., Chhapparwal, B. C.

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Choudhary, P. K., Holst, Erik, & Bhatnagar, N. K. (c. 1996). Knowledge, attitude and practice of physicians in India concerning medical aspects on torture. New Delhi: Indian Medical Association; (12) The Clinton administration's counter-terrorism plan involves an unwieldy array of more than 40 different federal agencies, bureaus and offices. (Anderson, James. (1998). Defending America against bioterrorism [Commentary page]. The Stars and Stripes. pp. 8; 17; (13) Advisory Committee on Human Radiation Experiments. (1994, October). Interim Report: Advisory Committee on Human Radiation Experiments. Washington, DC: U.S. Government Printing Office. [Gov. Pubs. PR 42.8: R 11/H 88/INT]; (14) Mastroianni, A., & Kahn, Jeffrey (Co-chairs). (1996, November). Post-war government-sponsored radiation research. Symposium conducted at the meeting of the American Association of Bioethics, San Francisco, CA (Transcribed from official conference recordings. HMR Duplications, 4252 Coolidge Ave., Oakland, CA 94602); (15) Hormuth, Stefan E. (1996, December 13). The reconstruction of East German universities after reunification. Oral history interview conducted by Jean Maria Arrigo at the University of California, Irvine, CA; (16) Liebeskind, John. (1995, October 30). Personal communication. Prof. Liebeskind has since died and I could not ask his permission for this quote, but I believe that he would prefer to contribute to an understanding of the moral vulnerabilities of highly principled scientists in classified research; (17) Advisory Committee. (1995). p. 641; (18) Hormuth, Stefan E. (1996, December 13). The reconstruction of East German universities after reunification. Oral history interview conducted by Jean Maria Arrigo at the University of California, Irvine, CA.)(Keywords: Clandestine, Intelligence, Moral, Terrorism, Torture.)