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Top Hat's Face: Explaining Robert Hanssen's Treason

Explanations of Robert Hanssen's treason, the most damaging espionage in U.S. history, usually rely on psychological dissociation or compartmentalization. Rejecting those accounts because they absolve Hanssen of moral and legal responsibility, the author argues that his contradictory *personae* were instruments designed to conceal his crimes from himself and others.

George Ellard 2

Phonies, Fakes, and Frauds—and the Social Harms They Cause

Although the exploits of the virtue imposter—who lies about his experience, knowledge, achievements, or identity in order to gain advantage over others—are reported almost daily, we rarely consider the ubiquity of those exploits or their wider social consequences.

Verna V. Gehring 14

Having One Child to Save Another: A Tale of Two Families

Genetic technology permits parents to select the children they will have, for a variety of controversial reasons. Two poignant cases from the United Kingdom raise the issue of how much moral and legal scrutiny those reasons should face, or can bear.

David Wasserman 21

Genetic Engineering and Our Human Nature

Policies addressing genetic technology typically insist on the need for “enlightened” public policy. Such policies must reflect some vision of what human beings *are*. Understanding the sacred helps identify elements in nature and human nature that ought to be preserved.

Harold W. Baillie 28

Top Hat's Face: Explaining Robert Hanssen's Treason

George Ellard

Introduction

In May 2002, Robert Hanssen was sentenced to life imprisonment after having perpetrated, in the words of a presidential commission, "possibly the worst intelligence disaster in US history." In a Sentencing Memorandum, government prosecutors described Hanssen's crimes as "surpassing evil" and as "almost beyond comprehension."

At the time of his arrest in February 2001, Hanssen was a senior Supervisory Special Agent in the Federal Bureau of Investigation, five weeks away from retiring after a twenty-six year FBI career. He was apprehended in a park near his home in northern Virginia, "loading a dead drop" with critical information about US national security for retrieval by Russian agents.

Hanssen's arrest brought to an end a career in espionage that spanned twenty-three years, during which he gave first to Soviet and later to Russian agents reams of documents and dozens of computer diskettes containing, according to the presidential commission, "national security information of incalculable value." Hanssen compromised, for instance, the plan the United States would put into effect to save its political and military command structures upon sustaining a Soviet nuclear strike. This particular betrayal occurred at a time when key elements within the Soviet oligarchy were advocating a first strike against the United States, fearing that America was about to take advantage of ongoing chaos in the crumbling Communist empire by itself launching a preemptive nuclear attack.

Hanssen's malice often targeted individuals. For instance, one of his first acts of treason was to disclose the identity of "Top Hat," Lieutenant General Dimitri Polyakov, a "recruitment-in-place" for the United States and the highest ranking Soviet military intelligence officer ever to spy for the West. General Polyakov had been an American double agent for almost twenty years. He had been the source of crucially important information about Soviet military capabilities, information that helped shape US strategy in disarmament negotiations. Polyakov received no money for his intelligence work and seems to have been motivated by deeply felt hatred of the Soviet system.

A videotape of Polyakov's arrest that has made its way to the West is sobering. He is seen with his arms handcuffed behind his back, as KGB thugs rip off the clothes above his waist. Fingers cradling Polyakov's cheeks from behind turn his face directly toward the camera. The general looks straight into the lens with grim dignity. He clearly knows that the only mercy he will be shown from that moment to the time of his death will be his captors' decision to execute him after years of interrogation.

In the short time since Hanssen's arrest, the enormity of his crimes has led to at least five books, scores of articles, and a television mini-series with a screen

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play by Norman Mailer, all trying to explain how an apparently decent human being could have perpetrated such evil. Not surprisingly, given the depth of Hanssen's treachery, the commentary has failed to reach its mark. It is possible, however, to understand the man and his misdeeds, if one does not lose sight of Top Hat's face.

Three Phases of Treason

1979-1981. Hanssen's treason covered three periods, the first of which began around March 1979 and lasted for almost two years. Not much information has been made public about the first period. The government did not know about it before speaking to Hanssen's wife after his arrest, and, consequently, the indictment against him is silent about his initial efforts as a spy.

It is known that, in early 1979, Robert Hanssen, thirty-five years old and beginning his fourth year as an FBI agent, reached out to his country's enemies. Shortly after Hanssen was assigned to the Soviet Counterintelligence Division in the Bureau's New York

City office, he “walked” a classified document into the offices of a company run by a Soviet intelligence officer. Hanssen apparently made three “drops” during this initial period of espionage, for which he received in total \$20,000 to \$30,000. In the second drop, he compromised Top Hat’s identity. Hanssen later explained to American investigators that he had betrayed General Polyakov because he feared that the Soviet officer might learn of his espionage and inform the CIA.

Hanssen’s first period as a spy ended in early 1981 when his wife discovered a document relating to his crimes. To justify his conduct, Hanssen told his wife that he had sold the Soviets harmless information, the

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“trash-for-cash” explanation for treason that CIA case officer and Soviet spy Aldrich Ames would also use. Hanssen later told investigators that the motivation for his treason was economic: the pressure of supporting a wife and three children on an inadequate Bureau salary. At the time, FBI agents, whose compensation did not reflect the cost of living in a major metropolitan area, considered the New York City office a hardship post. Hanssen’s aim, he said, was to “get a little money” from espionage and then “get out of it.”

At his wife’s insistence, Hanssen consulted an attorney and sought absolution for his sins from a Catholic priest, who told him to donate the proceeds of his immoral acts to charity. Hanssen chose a group affiliated with Mother Teresa, to which he says he proceeded to make regular contributions.

1985-1991. Hanssen’s second period of espionage began over four years later in October 1985, a week after he transferred from FBI Headquarters in Washington back to the Soviet Counterintelligence Division in the New York office. Hanssen’s spying during this period continued after he was transferred in August 1987 to a Soviet counterintelligence unit within Headquarters.

In October 1985, Hanssen wrote to a senior KGB intelligence officer, informing him that he would soon receive “a box of documents [concerning] certain of the most sensitive and highly compartmented projects of the US Intelligence Community.” (“Compartmented” information usually refers to classified data concerning intelligence sources and methods; this information, the most carefully guarded classified material, is handled within formal access control systems established by the Director of Central Intelligence.)

Once again, Hanssen was concerned about his safety. He told the Soviet officer that only a “limited number” of persons had the “array of clearances” necessary to collect the sensitive documents he would turn over, and, therefore, Hanssen warned, “[a]s a collection they point to me.” He also stressed other risks to his security, explaining that Soviet intelligence had “recently suffered some setbacks”: US “Special Services” had recruited three Soviet officers, whom Hanssen identified. Aldrich Ames also betrayed the names of these three double agents around the same time, giving the KGB the dual sources it frequently insisted on having before acting on information of such potential importance. Shortly thereafter, Hanssen also disclosed how one of the intelligence officers hid cash he received for his espionage in his luggage when he returned to the Soviet Union. The Soviets quickly recalled the agent to Moscow, where he was tried and executed, as was another of the three double agents Hanssen had identified. The third was sentenced to fifteen years in a labor camp.

Concern for his personal safety, even at the expense of the lives of others, was a constant throughout Hanssen’s career as a spy. During this second period, Hanssen asked the Soviets for an escape plan because “[n]othing lasts forever.” They devised a method by

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which he could rapidly transport himself from his home in Vienna, Virginia, to the safety of the Soviet embassy in Vienna, Austria. So deep was Hanssen’s concern for security that on one occasion he did not appear at a prearranged dead drop because the day before FBI interrogators had mentioned his Soviet handler by name to a defector. Upon learning this, Hanssen cut off all contact with the Soviets for four months, as he studied FBI reports on the continuing interrogation to see whether information about his betrayal had surfaced.

During the second period of espionage, Hanssen perfected his “tradecraft,” the Intelligence Community’s name for the practice of espionage. He originally communicated with the Soviets through encoded radio transmissions, using a “one-time pad,” a practically unbreakable cipher he had created. Although Hanssen sometimes transmitted the material he compromised by mail, not the preferred method, he sent his packages to a Soviet intelligence officer whose residential mail he had determined the

Bureau was not monitoring. By agreement, when Hanssen used "Chicago" in the return address of the packages he mailed, a dead drop would occur the next Monday, thus making it unnecessary to specify the date explicitly. Hanssen chose Mondays to exchange documents, letters, and money because an FBI analysis called Spiderweb had concluded that Soviet intelligence services did not fill or clear dead drops or set signals on Mondays, and, consequently, the Bureau did not monitor these sites that day of the week. During the second period, Hanssen also began to transmit documents more compactly and securely by downloading them to computer disks he had reformatted to conceal the data they contained.

Hanssen and the Soviets exchanged scores of letters during the second period of espionage. At first, the letters were terse and businesslike, outlining the details of their tradecraft, establishing dead drops across northern Virginia, where material could be clandestinely exchanged, and signal sites in public places, where meetings could be arranged or contact cancelled

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in emergencies by placing colored thumbtacks, tape, or chalk marks on traffic signs or utility poles. The Soviets used their letters to task Hanssen to collect particular information of interest, and Hanssen often followed through. On one occasion, after the Soviets asked Hanssen to identify potential American double agents, he suggested, in a strange case of personal betrayal, that they approach Jack Hoschouer, Hanssen's one and only friend since high school. Hoschouer had been best man at the Hanssens' wedding, and they named their first son after him. Hanssen explained to the Soviets that Hoschouer, a colonel in the US Army, was embittered, having just been denied a promotion and, thus, might be a promising recruit.

In their letters, Soviet agents flattered Hanssen, their "dear friend," complimenting him on his "superb sense of humor" and "sharp-as-a-razor mind." They told him that material he had provided was of great interest to the "very top" of the Soviet establishment, and they frequently conveyed the esteem of KGB Director Vladimir Kryuchkov. Hanssen's handlers also congratulated him on a promotion that would lead to assignments outside Washington, even though they were of little value to a spy. "We wish You all the very best in Your life and career," the Soviets told Hanssen; they advised him to "do Your new job, make Your trips, take Your time."

The correspondence between spy and spymasters was sometimes bizarre. On one occasion, after Hanssen had reinstituted contact after a short break, the Soviets expressed in doggerel their appreciation that their friend had "managed to slow down the speed of [his] running life" to send a message: "What's our life, If full of care, You have no time, To stop and stare?" During a period of domestic disturbance in the Soviet Union, Hanssen suggested that the Soviets would find in Richard Daley's tenure as mayor of Chicago a model for dealing with domestic dissent. (Daley had ordered the Chicago police to use batons and mace against protestors at the 1968 Democratic Party convention.) And the ultimate irony: in a letter delivered on December 25, 1989, Soviet agents, whom Hanssen often publicly described as godless Communists, sent Christmas greetings to their FBI friend, an apparently pious Roman Catholic convert.

The zeal Hanssen displayed in the second period of treachery is astonishing. In a little more than six years and on more than thirty-five occasions, he compromised an extraordinary number of documents and more than twenty-five computer diskettes containing information vital to national security, usually classified Top Secret and involving highly sensitive, compartmented operations. Hanssen frequently gave his handlers internal reviews of FBI double-agent programs. The reviews identified over fifty actual and potential Soviet recruitments and defectors and detailed the information they had provided to the FBI. Hanssen also disclosed limitations in the National Security Agency's ability to read Soviet communications, thus undermining the United States' most valuable and

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expensive intelligence programs, giving the Soviets a secure channel to transmit information. Even the sanitized description of the compromised material in the indictment the government filed against Hanssen reveals a chronicle of treachery of staggering scope.

Hanssen spent practically his entire FBI career in intelligence and counterintelligence programs, and he clearly understood the value of the information he was selling. Throughout his treasonous career, Hanssen would later explain, he "tried to stay with things" that his handlers "would find tremendously useful, immediately useful," and "remarkably useful." On one occasion, he alerted the KGB to pick up an "urgent

package” of material, which described an FBI/CIA meeting with a Soviet intelligence officer targeted for recruitment; the material also detailed information offered by a Soviet defector, and it provided technical specifications for a classified intranet system linking the entire US Intelligence Community. Hanssen’s handlers later conveyed the appreciation of KGB Director Kryuchkov for the information. On another occasion, Hanssen placed an emergency call-out signal at a site at the intersection of Connecticut Avenue and Q Street in downtown Washington. When the Soviets responded to the alert, they found a package of documents that included a cable with a note from Hanssen: “Send to the Center [KGB Headquarters in Moscow] right away. This might be useful.” Apparently it was, for in their next letter to Hanssen, his handlers explained:

THE CHAIRMAN OF OUR ORGANIZATION IN MOSCOW SENDS HIS CONGRATULATIONS TO YOU FOR THE LATEST MATERIAL SENT TO THE CENTER. WE THANK YOU FOR YOUR LAST EXCEPTIONALLY INTERESTING DOCUMENT.

The following month, the KGB presented several awards to the intelligence officers involved with the American FBI double agent, including the distinguished Order of the Red Banner, the Order of the Red Star, and the Medal for Excellent Service.

For over six years in the second period of treason, Hanssen provided document after document and disk after disk filled with highly classified information of

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incredible value. And then, in December 1991, without notice to his friends, Hanssen stopped. As his colleagues in the spy trade would put it, he went to ground.

Hanssen later explained this withdrawal from “active service” as the result of accumulated guilt that once again led him to confess his sins to a priest. There may be a more credible explanation: self-preservation. In the months before Hanssen quit the field, several Soviet republics had declared their independence of Moscow, the Berlin Wall had fallen, and plotters, including KGB Director Kryuchkov, who purportedly held Hanssen in high regard, had unsuccessfully attempted to depose Soviet president Mikhail Gorbachev. Kryuchkov was arrested in August as a “betrayor of the Motherland” and charged with treason. At a square outside KGB headquarters in Moscow Center, protestors toppled the statue of Felix Dzerzhinsky, founder of the Cheka, the forerunner of

the KGB. Weeks later, Hanssen’s handlers addressed the situation in a letter:

There have been many important developments in our country lately. So many that we’d like to reassure You once again. Like we said: we’ve done all in order that none of those events ever affects Your security and our ability to maintain the operation with You. And of course there can be no doubt of our commitment to Your friendship and cooperation which are too important to us to loose [sic].

Hanssen, who knew of a massive internal FBI mole hunt, could not have been comforted by reports of unprecedented cooperation between American intelligence agencies and the successor entity to the KGB. It was indeed time for the mole to go underground.

And stay underground he did for almost eight years, with one truly odd exception: in 1993, Hanssen approached a Russian intelligence officer in a garage and identified himself as Ramon Garcia, the name he had used with the Soviets during the first two periods of espionage. Hanssen brought with him a large amount of information about FBI double agents, information he knew would prove his value and protect his security. The intelligence officer rebuffed Hanssen’s attempt to start a conversation. The Russian government protested the incident as a provocation and asserted that the person who had approached their officer had identified himself as a disaffected FBI agent. The Bureau opened an investigation in response to the protest, which Hanssen followed on an FBI automated database. Only after Hanssen’s arrest many years later was the Bureau able to resolve this investigation.

1999-2001. The third and final period of espionage began some time around October 1999, almost eight years after Hanssen’s last drop. Hanssen prepared to re-emerge by combing FBI automated case files, searching for his name, address, telephone numbers, “Ramon Garcia,” and the locations of dead drops he had used. Russian intelligence agents were delighted with Hanssen’s re-appearance:

Dear friend: welcome!

It’s good to know you are here. . . . [W]e express our sincere joy on the occasion of resumption of contact with you.

The handlers, apparently anxious to re-establish the relationship with Hanssen quickly, “guarantee[d]” him “financial help” and told him that the sum of money deposited in a Moscow bank on his behalf had grown to \$800,000. They also promised Hanssen that he would find a package containing \$50,000 at the next drop. In a businesslike fashion, they laid out the mechanics of their exchanges and in a professional way addressed Hanssen’s security:

In case of a threatening situation of any kind put a yellow tack [in a certain utility pole in Washington’s Georgetown neighborhood]. This will mean that we shall refrain from any communication with you until further notice from your side (the white tack).

Hanssen and his handlers had a difficult time in re-establishing fluid communications. In March 2000, Hanssen complained about these problems:

... I have come as close as I ever want to come to sacrificing myself to help you, and I get silence. I hate silence. ...

The manic tone of this letter was characteristic of Hanssen's communications with the Russians during his last period of treason:

One might propose that I am either insanely brave or quite insane. I'd answer neither. I'd say, insanely loyal. Take your pick. There is insanity in all the answers.

I have, however, come as close to the edge as I can without being truly insane. My security concerns have proven reality-based. I'd say, pin your hopes on 'insanely loyal' and go for it. Only I can lose.

Later on, Hanssen expressed "great joy" at seeing the Russians' signal "at last." "You waste me," he told his handlers: with a better communications system, he could have alerted his "friends" and prevented the arrest of a Russian agent caught while electronically intercepting conversations within the US Department of State. "[R]apid communications ... can save you much grief," Hanssen scolded, but instead he had received only "ominous silence." He also tweaked his friends for claiming that money had been "put away" for him in Moscow:

Never patronize at this level. It offends me, but then you are easily forgiven. But perhaps I shouldn't tease you. It just gets me in trouble.

thank you again,

Ramon

By November 2000, Hanssen's letters had lost all the crispness of the early communications:

... Recent changes in US law now attach the death penalty to my help to you ... so I do take some risk. On the other hand, I know far better than most what minefields are laid and the risks. Generally speaking you overestimate the FBI's capacity to interdict you. ...

Perhaps you occasionally give up on me. Giving up on me is a mistake. I have proven inveterately loyal and willing to take grave risks which even could cause my death, only remaining quiet in times of extreme uncertainty. So far my ship has successfully navigated the slings and arrows of outrageous fortune.

I ask you to help me survive. ...

Hanssen also asked his friends whether he could teach their Espionage "101 course" in his "old age," an improbable aspiration: though Hanssen did not know it, he had become the subject of an active FBI investigation because a defector had given US intelligence agents the KGB's file on Ramon Garcia. The file contained a plastic trash bag in which Hanssen had placed classified documents before secreting them at a drop site. His fingerprints were found on the bag. This did not prevent Hanssen from carrying out in November

the largest transfer of national security information in his entire career as a spy.

Three months later, at his next drop in February 2001, Hanssen found himself surrounded by FBI agents with weapons drawn. Along with the classified material he had placed under a foot bridge seconds before he was apprehended, Hanssen included a letter, in which he thanked his "Dear Friends" for their "assistance these many years" and declared that it was time for him to retire from "active service." Hanssen explained that he had recently been "isolated" in the Bureau, perhaps purposely, by being promoted to a "do-nothing ... job outside of regular access to information within the counterintelligence program." He also described "repeated bursting radio signal emanations" from his automobile that he thought came from an FBI tracking device. Nonetheless, Hanssen remained optimistic: "Life is full of ups and downs." He anticipated resuming contact "next year, same time, same place" when, he hoped, "the correlation of forces and circumstances ... will have improved." Hanssen closed the letter with "Your Friend" and signed it "Ramon Garcia."

Hanssen was indicted on twenty-one counts involving espionage. Fourteen counts provided for the death penalty as the maximum punishment upon conviction. He is now serving a term of life imprisonment, having avoided death by agreeing to cooperate with the government.

When Hanssen was arrested, his passport was found in his briefcase.

Accounts of Hanssen's Contradictory *Personae*

By all accounts, Bob Hanssen is a strange and contradictory man. Revelations since his arrest have shown the truth of that judgment.

Hanssen is exceedingly soft-spoken and dour, known to his colleagues as Dr. Death and the Mortician, in part because all his outer garments, aside from a white dress shirt, were usually black and often threadbare.

Hanssen appeared to be a deeply religious man, who displayed a crucifix on the wall of his FBI office, along with a representation of Mary, the mother of Jesus. Hanssen sometimes attempted to engage his colleagues in conversations about the evil of abortion, the objective character of ethics, and other moral topics, conversations they often found uncomfortable and inappropriate in a work environment. He was a member of a conservative, closed Catholic organization, *Opus Dei*, Work of God, whose members seek the Divine by striving for perfection in everyday life. *Opus Dei* participants are expected to attend Mass daily – Hanssen did so on workdays at 6:30 a.m.; they go to confession weekly and attend periodic retreats;

some of its members practice corporal mortification. Hanssen's wife was also a member of *Opus Dei*, and his six children attended Catholic schools affiliated with the organization; one daughter was a numerary, a member of the movement who had taken a vow of chastity.

Along with devotion to God, Hanssen publicly displayed a virulent anti-Communism. The Soviet Union's plan for world domination was doomed to failure, he told colleagues again and again, because it was the product of godless Communists. Without God, nothing was possible.

Hanssen's religiosity and anti-Communism fit well within the traditions of the FBI. J. Edgar Hoover, the legendary Bureau Director, is said to have favored Catholic recruits because their devotion to God usually came with an equally deep commitment to country and to the Director. When Hanssen became an agent, he signed a pledge to hold as a "sacred trust" the information that came to him by virtue of his position. He also took an oath before God to "defend the Constitution of the United States against all enemies, foreign and domestic." Hanssen's colleagues report that he appeared to take these duties seriously and that he was

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a hard-working, dedicated agent. Although some say that Hanssen resented other agents who rose to the heights of the Bureau's hierarchy, agents he saw as less bright and less capable than himself, Hanssen was at the top of the Government Service pay schedule in the last stages of his FBI career; he had been Chief of a unit within the Headquarters Intelligence Division and the Bureau's representative to the Department of State.

Hanssen's relationship with many of his Bureau colleagues was strained, not simply because of his attempts to engage in conversation about nettlesome topics, but also because he seemed to feel morally superior to other agents. As a member of *Opus Dei*, Hanssen supposedly strove to find God in his everyday life. It is no surprise then that he refused invitations to join his office-mates at strip joints after hours because, he told his colleagues, these establishments were occasions of sin and were unbecoming an FBI agent. Nonetheless, Hanssen frequented such clubs alone and with his old friend, Jack Hoschouer. On a now celebrated occasion, Hanssen reached out to a stripper, Priscilla Galey, urging her to reform her life

and turn to God. Over the course of several months, Hanssen gave Galey cash, a diamond and sapphire gold necklace, a laptop computer, a used Mercedes-Benz 190E sedan, and an American Express card. When Hanssen traveled to Hong Kong on Bureau business, Galey accompanied him. He reportedly told Galey that he had spent in all about \$85,000 on her.

There are conflicting accounts of whether Hanssen's relationship with Galey was sexual, but even more curious than a possible carnal liaison with a stripper is the series of stories Hanssen posted in the late nineties on an internet bulletin board, a sex chat room. The stories are smutty, if not pornographic accounts of his wife, Bonnie. They use vulgarisms to refer to portions of their bodies and to their intimate moments. Enough references are made to details of the Hanssens' life, including their first names, that the two are clearly identifiable to anyone who knew them. In fact, Hanssen posted the stories using his personal computer and his real name and e-mail address. The narratives assert that Hanssen frequently sent Jack Hoschouer "electrifying" nude photographs of Bonnie and that he allowed Jack to observe sexual relations between Hanssen and his unwitting wife, first by standing on a deck outside a bedroom window and later by watching real-time in the Hanssens' den the output of a subminiature video camera Hanssen had hidden in his bedroom. "The whole business had been no end of fun," Hanssen wrote to his virtual readers, with no apparent sense of the mortification this betrayal would surely cause the mother of his children, who taught religion at a Catholic grammar school.

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Hanssen also reportedly suggested that Hoschouer obtain Rohypnol, the "date-rape" drug, when he traveled abroad. Hanssen would slip it to Bonnie, thus allowing Hoschouer to satisfy one of Hanssen's fantasies about his wife and his best friend.

The "Compartmentalized" Self. How could Hanssen have borne so many contradictory *personae*: devout Catholic, loving husband, diligent FBI agent, patriot and anti-Communist, hypocrite who did what he condemned in others, pornographer who shamed his marriage, and the most damaging spy in our Nation's history?

Those who knew Hanssen professionally often resort to the idiom of the Intelligence Community to explain his ability to carry radically different identities. Hanssen, they say, "compartmented" or "compartment-

mentalized" many different selves. Several former colleagues refer to the "good Bob," whom they knew, and the "bad Bob," who was kept hidden. The good Bob was devoted to God, country, and family; the bad Bob betrayed his beliefs, threatened his country's existence, and disgraced those who loved him most. A Jekyll and Hyde, the former colleagues assert, a comparison Hanssen himself reportedly used to explain his crimes to a psychologist his attorney had hired.

The reference, of course, is to Robert Louis Stevenson's *The Strange Case of Dr. Jekyll and Mr. Hyde*. However, the duality of a good Jekyll and an evil Hyde, frequently used to summarize the novel, does not do justice to the literary work. The novel is a complex and horrifying morality tale in which a physician, Jekyll, discovers a potion that enables him to isolate the evil but natural instincts in his psyche. Jekyll's malevolent side, Hyde, freed of the moral restraints and social ties that normally keep evil in check, grows more and more powerful, until Jekyll cannot resist the temptation to

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give his baser nature free rein. Thus, Jekyll's transformation into Hyde is a reverse evolution of an enculturated human being into an uncontrollable beast. Dr. Jekyll is a composite, in Freudian terms a unity of ego, superego, and id, while Mr. Hyde is pure id.

The notion of compartmented or multiple, independent personalities enjoys some popular currency. For instance, in the Academy Award winning film, *The Three Faces of Eve*, Eve White, a mousy withdrawn housewife, is beset by a second *persona*, Eve Black, a sexy uninhibited woman, and later by a third, Jane, a sensible intelligent person. Only gradually, do the three *personae* even become aware of the others' existence. As Eve is cured, the three become more transparent to each other. The condition, "based on a true story," is presented as the result of childhood trauma that a psychologist is able to cure by resurrecting repressed memories.

Under the compartmentalization theory advanced by Hanssen and his former colleagues, Hanssen is more like Eve than Jekyll because he had several, independent *personae*, who perhaps were not even aware of each other. The devout Catholic, loving husband, diligent FBI agent, and patriotic anti-Communist fit together to comprise one Bob; the hypocritical pornographer who betrayed his wife is another; and then, of course, there is Hanssen the spy.

The possibility of compartmented or multiple personalities is recognized in the psychiatric literature and is now called dissociative identity disorder, "the presence of two or more distinct identities or personality states that recurrently take control of behavior." This disorder reflects a failure to integrate distinct identities, including memories and consciousness: "Each personality state may be experienced as if it has a distinct personal history, self-image, and identity, including a separate name." Persons who experience dissociative identity disorder usually have a primary identity under

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the person's given name that is passive, dependent, guilty, and depressed and alternative identities with traits that contrast with the dominant characteristics of the primary identity. Alternative identities usually take control in sequence and may be unaware of each other or critical of each other or in conflict. Again, the proper model is Eve, rather than Jekyll.

To date, five books have been published about Hanssen, each of which to one degree or another explains his treason in terms of multiple personalities. Those who suffer from dissociative identity disorder often experienced abuse during childhood, and the works about Hanssen describe his father as a psychological and to a lesser extent physical abuser of his son. For instance, Lawrence Schiller in his *Into the Mirror* describes Hanssen *père* grabbing Hanssen *fils* by the ankles, whirling him around until he vomits, and rubbing the boy's face in the mess. Cleaning himself up, the younger Hanssen discovers an evil alter ego looking out at him from the face of a mirror. From then on, the bad Hanssen counsels and sometimes commands the good in reflections from mirrors, the glass wall of a conference room, the metal door of a bathroom stall in FBI Headquarters, and even a chalice a priest raises during the celebration of Mass.

Schiller's work is based on a screenplay Norman Mailer has written for a television miniseries; it is a "novelization" of Hanssen's life, a self-described attempt to "build a psychological portrait." Schiller's analysis of Hanssen's psyche is not only dualistic; it is Manichaeian, with good and evil existing within Hanssen independently of each other:

Evil has its own energies [the bad Hanssen tells the good]. It is not the absence of good. It is a lively presence. I know. Evil is exciting.

In the end, the compartmentalization of selves that some of Hanssen, his former colleagues, and the popular literature offer in explanation of his ability to assume contradictory *personae* stands on weak foundations and explains little. The theory relies heavily on “novelization,” as speculation becomes fact, for instance, Hanssen must have felt this way or that about one or another imagined slight by his father. The explanation by compartments simply dissolves the problem of contradictory *personae* by saying that there is no problem, in effect asserting tautologically that an apparently unitary person can have contradictory selves because a person can have contradictory selves.

The compartmentalization theory also requires improbable transformations that surely would have drawn attention to a federal agent carrying a weapon. Hanssen purportedly flitted back and forth from Robert Hanssen, the dedicated FBI agent, to Ramon Garcia, the Soviet and Russian spy, probably several times a day during the second period of espionage, with an occasional afternoon transformation to another Hanssen, who left FBI Headquarters to visit

[The compartmentalization theory] is belied by the fact that at least up to the very end Hanssen was in complete control of his espionage. He was able to “shut down” his “bad side” at will when confronted by his wife or when danger arose.

strip clubs. None of Hanssen’s colleagues noticed these profound dissociations, and Hanssen, as far as we know, never reported waking up in wonder at the large sums of cash in his possession or the fact that he was placing some of it in a dancer’s thong.

The compartmentalists also trivialize the religious faith to which Hanssen publicly subscribed. According to his own account, Hanssen the Catholic was at least at times aware of his espionage, which included the betrayal of Top Hat and other Soviet and Russian agents recruited by US intelligence services. Hanssen’s wife explains that she helped her husband seek God’s forgiveness through priestly counsel at the end of the first period of espionage, and Hanssen himself asserts that accumulated feelings of guilt led him to terminate the second period by seeking absolution for his sins in a confessional. Sincere believers go to confession to seek forgiveness for their sins, to express profound regret for what they have done, and to seek divine help in transforming their lives toward the good. Could Hanssen, by all accounts a bright and thoughtful man, have become so addled by multiple *personae* as to believe that serial confession would absolve serial murder? Could Hanssen have allowed his “evil self” to condemn his soul to eternal damnation without a savage fight?

The dissociative view is also belied by the fact that at least up to the very end Hanssen was in complete control of his espionage. He was able to “shut down” his “bad side” at will when confronted by his wife or when danger arose.

Schizophrenic “Doubling.” Much more sophisticated analyses of demonic human behavior have been developed using psychological concepts akin to dissociation. One of the most impressive is Robert Jay Lifton’s *The Nazi Doctors*, an attempt to explain the psychology of genocide and specifically the process by which medical professionals sworn to heal were transformed into mass murderers.

German physicians were at the core of the Nazi death camps. Dressed in white smocks and standing near Red Cross ambulances containing the poison used in gas chambers, the doctors made the initial selection of those prisoners arriving in transports who would immediately go to their deaths. Those spared lived as slave laborers with a life expectancy of no more than three months. At the peak of the Nazi genocide, more than twenty thousand Jews were killed in Auschwitz alone each twenty-four hour period. Physicians supervised this mass murder from beginning to end, but, according to Lifton, they were not satanic figures or fanatic sadists lusting to kill. They were ordinary people who committed demonic acts.

Most Nazi doctors, Lifton observes, found the selection process so onerous and extraordinarily evil that they called forth every possible mechanism to avoid psychologically what they were doing. The ability to participate in the camps’ routine involved a socialization process, through which doctors underwent a remarkable psychological shift from revulsion to acceptance of the camps as a moral sphere separate from the rest of the world. A commitment to racial purity and other elements of Nazi ideology, combined with large quantities of alcohol, produced not only a psychic numbing, but, at least in some physicians, the conviction that killing was healing, if not for the individual then for the race.

In Lifton’s account, Nazi doctors underwent a “doubling,” a schizophrenic division into a “normal self” and a “camp self” that occurred for the most part unconsciously. The Nazi physician needed a camp self radically distinct from his normal self to function in an environment antithetical to his customary ethical standards. The camp self, according to Lifton, was autonomous when functioning within the camp environment, but the normal self endured and allowed the Nazi doctor to continue to see himself as a humane healer. Thus, Lifton’s double selves are not as profoundly distinct and independent as multiple personalities are said to be.

A full explanation of Lifton’s approach and an assessment of its success in explaining horrifically immoral

conduct are beyond the scope of this essay. Of more direct importance is Lifton's appreciation of the tension between understanding and moral judgment, as captured in the French aphorism *Tout comprendre c'est tout pardonner*: to understand all is to forgive all. By describing the mechanisms that lead to evil we may portray wicked deeds as amoral products of natural processes. Just as we cannot be faulted if our respiratory processes produce noxious gases, so too Nazi doctors cannot be blamed for adopting radical coping mechanisms in response to the horrors of the death camps.

For Lifton, doubling remains a choice for evil: "To live out the doubling and call forth the evil is a moral choice for which one is responsible, whatever the level of consciousness involved." Whether Lifton's approach avoids

Using psychological compartments to explain Hanssen's misconduct absolves him of moral responsibility for his misconduct and calls into question the legitimacy of his prison sentence.

the psychological reductionism he decries is open to question, but he is clearly aware of the problem and strives never to lose sight of the diabolic character of the mechanisms he is trying to understand. That is not the case with the popular explanations of Robert Hanssen's misdeeds. Using psychological compartments to explain Hanssen's misconduct absolves him of moral responsibility for his misconduct and calls into question the legitimacy of his prison sentence. The treasonous, bad Hanssen is radically dissociated from the God-fearing, good Hanssen, the compartmentalists would have us believe. Consequently, it would be improper to hold the good Hanssen morally or legally responsible for the bad. As Eve White was a separate person from Eve Black, over whom the former had no control, so too the good Hanssen was not responsible for the bad and was probably not even fully cognizant of the other's existence. Bob Hanssen the spy was not the man who stood before a judge for sentencing or knelt before a priest for forgiveness.

The power of compartmentalization to explain Hanssen's perfidy is undercut viscerally by the degree to which his former FBI colleagues, who advance the theory, despise Hanssen even as they try to comprehend his treachery. Their anger and hatred would make no sense if their explanation of his behavior were correct.

Simply a Clever Fraud

There is a simpler explanation for Hanssen's contradictory *personae*: some of his public images may have been nothing more than instruments of espionage and

cover. What greater opportunity and what more effective disguise could a spy have than to be a senior FBI intelligence officer, known as a devout Catholic and a determined anti-Communist?

Some support for the view that Hanssen is simply a complex and clever fraud appears in a letter he wrote to his Russian handlers, in which he comments on his life of espionage:

I decided on this course when I was 14 years old. I'd read Philby's book. Now that is insane, eh!

Philby, of course, is Kim Philby, the notorious "third man," and the book is *My Silent War*, Philby's memoir published upon his flight to Moscow after a thirty-year career spying within British intelligence services on behalf of the Soviet Union.

When Philby joined the British secret service at twenty-eight, shortly after the outbreak of World War II, he was already a Soviet agent. Philby rose quickly within the service, eventually becoming head of anti-Soviet counterintelligence and British liaison with US intelligence services. Presumably, he is the only person to receive both the Order of the British Empire from the King for his intelligence work and the Order of the Red Banner from Moscow for his treason.

To those who struggled to understand how a member of the British establishment could have so completely betrayed his country, Philby offered "the simpler solution": he had always been first and foremost a Soviet spy.

All through my career, I have been a straight penetration agent working in the Soviet interest. The fact that I joined the British Secret Intelligence Service is neither here nor there; I regarded my SIS appointments purely in the light of cover-jobs, to be carried out sufficiently well to ensure my attaining positions in which my service to the Soviet Union would be most effective. My connection with SIS must be seen against my total commitment to the Soviet Union which I regarded then, as I do now, the inner fortress of the world movement.

"To betray," Philby explained elsewhere, "you must first belong." But he "never belonged" to any cause save "[t]he fight against fascism and the fight against imperialism." Philby also wrote about the "liberal smoke screen" behind which he concealed his "real opinions":

One writer who knew me in Beirut has stated that the liberal opinions I expressed in the Middle East were "certainly" my true ones. Another comment from a personal friend was that I could not have maintained such a consistently liberal-intellectual framework unless I had really believed in it. Both remarks are very flattering. The first duty of an underground worker is to perfect not only his cover story but also his cover personality.

Some might find it difficult to believe that Hanssen was as devious as Philby or that his professions of faith and patriotism were cover stories. But is this explanation any more difficult to accept than the notion that Hanssen was comprised of several radically contradictory, independent, and dissociated *personae*? Some

might advance a watered down explanation-by-compartment: Hanssen was a dedicated FBI agent, a devout Roman Catholic, and all the other elements of a complex human being, but he was weak and sporadically gave into his sinful self. But, again, could Hanssen's id have so dominated his psyche that this daily communicant was absolutely helpless when confronted by base instincts that would lead to eternal damnation? Could he have looked upon the priest raising the chalice without shrieking?

If Hanssen deliberately set out on a career of espionage, the question remains as to why he did so. No

There is a simpler explanation for Hanssen's contradictory personae: some of his public images may have been nothing more than instruments of espionage and cover.

one has yet found ideological leanings of the sort Philby had to conceal when he approached British intelligence for membership, although Hanssen did describe himself as "insanely loyal" to his Soviet and Russian "friends" on whose behalf he had engaged in "active service."

Hanssen has claimed that financial stress on his household led him to spy—he wanted to get a little money and get out. That explanation is problematic, however, if for no other reason than that it comes from a person who for decades led a life of deceit, betraying God, country, family, and friends. Nothing about Hanssen can be taken at face value, especially his own words.

In fact, Hanssen was not rewarded handsomely for his crimes, especially in view of the enormity of his betrayal. The publicly available information shows that he received a little more than \$650,000 for a course of espionage spanning almost twenty-three years, about \$28,000 a year, hardly a handsome sum for conduct Hanssen feared could end, as with Timothy McVeigh, with poison dripping into his veins. The bulk of this money, some \$530,000, came in the frantic second period of espionage, at the rate of about \$88,000 a year, a larger annual return, but not much greater an appreciation for Hanssen's life.

Hanssen knew the incredible value of the information he gave to the Soviets and the Russians. The rational, economically motivated spy surely would have demanded more and have worked less, maximizing gain and minimizing risk. But that was not Bob Hanssen. In the letter that initiated his first act of espionage in March 1979, Hanssen asserted that the documents he was about to compromise are "sufficient to justify a \$100,000 payment." When the Soviets responded with \$50,000, Hanssen became the humbled supplicant:

As far as the funds are concerned, I have little need or utility for more than the 100,000. It merely provides a difficulty since I cannot spend it, store it or invest it easily without tripping (sic) "drug money" warning bell. Perhaps some diamonds as security to my children and some good will so that when the time comes, you will accept by (sic) senior services as a guest lecturer.

This was the occasion when Hanssen explained that he "would appreciate an escape plan" because "nothing lasts forever," showing more concern for safety than for money. On another occasion, Hanssen characterized as "too generous" a payment of \$40,000 from the Soviets. Moreover, some time around February 1994 when Ames was arrested, Hanssen would have learned that the CIA spy had received about \$2.7 million from the Soviets for nine years of treachery, \$300,000 a year. Nonetheless, despite this tremendous disparity in pay scale, Hanssen did not complain when he resumed spying in 1999. His exclusive concern, as always, was his safety.

A public accounting has never been made of the monetary fruit of Hanssen's espionage, but his treason does not seem to have significantly improved his material condition. Aside from Rolex watches Hanssen bought for himself and Jack Hoschouer and the \$85,000 he says he spent on the stripper, Hanssen lived frugally. His clothing was old and worn; he depended on his wife's wages to supplement the income he earned; and he and his family vacationed only infrequently and then usually at his parents' home in Florida. Ames drove a new Jaguar; Hanssen, an old Ford. Hanssen knew that Ames' extravagant lifestyle had led to his undoing, and there was little if anything in Hanssen's appearance or his family's to make spy-

If Hanssen deliberately set out on a career of espionage, the question remains as to why he did so.

chasers wonder how he could do it all financially. One wonders whether there were fancies other than the stripper on which Hanssen squandered the financial wherewithal he could not publicly display.

In sum, financial gain, taken alone, is a very improbable explanation for Hanssen's treason. Fortunately, however, on the day he was arrested, Hanssen may have revealed something about the forces that motivated him. Among his last acts as a free man, only hours before his arrest, Hanssen reportedly gave the visiting Jack Hoschouer a tattered copy of his favorite novel, *The Man Who Was Thursday*, a phantasmagoric tale by G. K. Chesterton, the English author still renowned for his Father Brown detective stories. Chesterton was equally

famous during his day as a conservative Roman Catholic convert and a defender of religious orthodoxy. When Hanssen gave Hoschouer a copy of Chesterton's most critically celebrated work, he reportedly cautioned his old friend that "things are not always the way they seem."

The novel's protagonist, Gabriel Syme, is a self-described poet of order, law, and respectability, who sees beauty even in London's Underground: because it is so regular, the subway represents a victory in the battle against chaos. In response to an anarchist conspiracy against Family and State, Syme joins a special

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corps of undercover police detectives, who are also philosophers, whom Chesterton describes as "the last heroes of the world." The chief of the elite cadre, sitting in utter darkness, recruits Syme because he is "sensitive to the smell of spiritual evil."

To protect order from those who would destroy it, the undercover Syme, known as "Thursday," infiltrates the Central Council of Anarchists, the high priests of the movement, each code-named for a day of the week. The Council's aim is to abolish God, destroy life, and deny the distinctions between vice and virtue, honor and treachery, right and wrong.

Hanssen is said to have identified with Syme, and, indeed, there are at least some surface similarities between Hanssen's life and Chesterton's story. In 1968 (when Hanssen might first have read Philby's *My Silent War*), the United States was in the midst of widespread civil unrest that many saw as equal to the terror anarchist dynamiters had spread across Europe in the nineteenth century. The President and his brother, a United States Senator, had recently been assassinated; millions were marching in the streets to protest American imperialism in Southeast Asia and to reject the bourgeois values of their elders; Black Panthers paraded with long-barrel weapons; and the Weather Underground executed bank robberies and other acts of "outrage."

That same year, apparently untouched by the fury that led so many to civil disobedience, Hanssen married and with his new wife moved into his parent's home, sleeping in his childhood bedroom. He also enrolled in a graduate business program, which he would later complete with a specialty in accounting. Upon graduation from business school, Hanssen improbably joined the Chicago Police Department and

became an undercover officer in an intelligence unit. Like Syme, Hanssen chose order.

There may also be more than surface links between Hanssen's life and the demonic tale he apparently adopted as an allegorical explanation of himself. Chesterton's novel, reminiscent of the Book of Apocalypse, is thoroughly dialectical, as good and evil and reality and chimera constantly transform into each other. Syme discovers, for example, one by one that all the members of the Anarchist Council are also undercover detectives fighting chaos.

Conclusion

Hanssen's quest for order as an undercover police officer, a religious convert, a husband and father, and an FBI agent led him finally and secretly to reject the certainties associated with those roles. There is no other way to explain what Hanssen knowingly did to Top Hat, to the other double agents whose lives he gave up, and to those he betrayed in myriad different ways. Hanssen did not have multiple personalities. He simply chose evil.

"Jekyll" and "Hyde" correctly describe Hanssen's psyche, if we refer to the characters in the novel, rather than the popular description of the work. Hanssen consciously gave his base side free rein. At first, the composite Hanssen, the psychic unity typical of a normally functioning person, was in control. But as Hanssen more and more frequently gave into evil, he became more and more its captive.

Why Hanssen initially made this choice we may never know. Probably, his conduct was overdetermined, with many causes contributing to the collapse of his faith in God, country, and marriage. In fact, we should expect that Hanssen's motives would be murky. For almost twenty-five years, he led a life based on lies, and lies are meant to confuse and deceive.

Undoubtedly, Hanssen's mendacity also involved a great deal of self-deception. He must have had moments of conscience, for example, in raising his children to follow a faith, and, he must have had moments of self-consciousness, for example, as an active member of civil society. Thus, to maintain sanity, Hanssen must have lied most vehemently to himself. His public piety, then, was designed not only to deceive those around him, but also to enable him to see himself (in bad faith) as a moral beacon. In this, Hanssen's life is revealed in its most pitiful state: a constant flight from public exposure and self-awareness.

Bob Hanssen walked into a Soviet establishment almost twenty-five years ago knowing what he was doing. He wittingly slopped under footbridges in suburban parks to snatch payment for his treason. Hanssen's attempt to conceal himself from himself was as deep as his treachery, but it is also the ultimate proof

that he understood the evil for which he has finally been held responsible.

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Sources: *A Review of FBI Security Programs*, Commission for Review of FBI Security Programs (March 2001). David Wise quotes a psychologist hired by Hanssen's attorney in *Spy: The Inside Story of How the FBI's Robert Hanssen Betrayed America* (Random House, 2002). (Hanssen "has used the Dr. Jekyll and Mr. Hyde explanation several times. A constant struggle with the two sides of himself, the good and the bad. He's kind of proud and pleased he could quit for a time. He says, 'I was able to shut down the bad side of myself.'") The definition of dissociative identity disorder occurs in *Diagnostic and Statistical Manual of Mental Disorders*, American Psychiatric Association, 4th ed. (1994). In addition to Wise's book, to date the four full-length works that treat Hanssen's treason in terms of multiple personalities are Adrian Havill, *The Spy Who Stayed Out In The Cold: The Secret Life Of FBI Double Agent Robert Hanssen* (St. Martin's Press, 2001); Elaine Shannon & Elaine Blackman, *The Spy Next Door: The Extraordinary Secret Life of Robert Philip Hanssen, The Most Damaging FBI Agent in US History* (Little Brown & Co., 2002); Lawrence Schiller, *Into The Mirror: The Life of Master Spy Robert P. Hanssen* (HarperCollins, 2002), and David A. Vise, *The Bureau and the Mole: The Unmasking of Robert Philip Hanssen, The Most Dangerous Double Agent in FBI History* (Atlantic Monthly Press, 2002). Robert Jay Lifton, *The Nazi Doctors* (Basic Books, 1986). Kim Philby, *My Silent War* (originally published in 1968 but available in a 2002 edition by Modern Library); Philby's observations about betrayal and the "liberal smoke screen" occur in Murray Sayle, *Sunday Times*, London, interview with Kim Philby, Dec. 17, 1967. Hanssen's remark to Hoschouer that "things are not always the way they seem" is quoted from Vise. G. K. Chesterton, *The Man Who Was Thursday* (originally published in 1908 but available in a 1986 edition by Penguin Books).

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Phonies, Fakes, and Frauds—and the Social Harms They Cause

Verna V. Gehring

You cannot dream yourself into a character; you must hammer and forge yourself one.

—James A. Froude, 19th century English historian

Son, always tell the truth. Then you'll never have to remember what you said the last time.

—Sam Rayburn, US Congressman 1913-1961

Introduction

Although my aim is to discuss the social consequences of a type of rampant lying, I begin with a personal story, and a personal failing.

Unexpectedly, a friend telephoned to say that she planned to marry and hoped I would be able to meet her fiancé that next weekend over lunch. Delighted at the happy turn of events, I made plans to meet, and at the appointed time, we sat in a neighborhood restaurant waiting for her beau, who planned to arrive separately. While we waited, she told me that, after a long career in military covert activity, he now worked as a

actors were forged in the fires of great trials tended to speak little, if at all, of terrible events—and never on a first meeting. And here is the personal failing: I smiled and chatted with this couple; our lunch ended and I left the restaurant with my friend as her fiancé went back to his supposedly secret assignment—and I never mentioned my certainty—or even suspicion—about the dishonesty of the man she was choosing to marry.

That story has a conclusion of sorts, to which I shall return at the end of this article. But meeting my friend's fiancé raised for me a series of questions, and while some of them concerned the responsibilities of friendship, what was most intriguing to me was consideration of the harmful effects a certain kind of liar has not just on those he lied to, but on the wider social order. Specifically, my interest resides in what I want to call the *virtue imposter*—the person who lies about his experience, knowledge, achievements, or identity in order to gain advantage over those who ascribe to the imposter aspects of character not possessed by him.

The Western philosophical tradition has extensively considered truth telling, prizing it as a virtue worthwhile for its own sake. Its presumed opposite, lying, is often treated insofar as it serves the prudential purpose of conferring on the liar some sort of personal advantage. Put another way, in the Western tradition truth telling is regarded as needing no justification, but lying does; consequently, a philosophical examination of lying typically looks to the advantages sought by the liar. The medieval thinker Augustine, for instance, categorized types of lies according to their helps and harms, as did his philosophical successor, Aquinas, who divided lies into three kinds, depending on intention. Mischievous lies aim to injure someone; jocose lies intend to ridicule another for fun, and officious lies are told for a “useful purpose.”

Although the virtue imposter's lies confer advantage, it would be a mistake to say that she is nothing more than a con artist or swindler. The goal of swindlers and con artists is the willing transfer of financial benefits from the mark, or victim. Virtue

Although the exploits of virtue imposters are reported almost daily, we rarely consider the ubiquity of those exploits, nor . . . their wider consequences. . . .

military consultant for a television network. As she related some of the adventures he had told her, I began to feel uneasy. When her fiancé arrived, he began telling stories about himself, stories of the past, in which he was hardened by experiences in Vietnam and Iran, stories of the present, filled with danger, state secrets, assignments of the highest national priority.

But I knew my friend's fiancé was lying—about most, if not all, of what he said. I happened to have spent time in the places and during the times he claimed to have been there. The facts were wrong, and my own experience taught me that those whose char-

imposters may also realize financial gain, but it usually follows as a by-product of increased status. Although philosophers have considered carefully such important ethical considerations as whether lying is under some circumstances justifiable, how lying differs from other forms of deception, the moral gravity of types of lies, and the possibility of so-called noble lies, the Western tradition has not paid enough attention to self-misrepresentation, perhaps because it confers no immediate economic advantage. The cases I examine below concern several kinds of virtue imposters. In addition to examining some of the benefits undeservedly accruing to the virtue imposter, the many and varied instances of this kind of behavior shows that, although the exploits of virtue imposters are reported almost daily, we rarely consider the ubiquity of those exploits, nor—so I argue—their wider consequences, which in combination further fray our worn social fabric.

Virtue Imposters

One can arrange virtue imposters along a spectrum ranging from virtues, character, or expertise that one can pretend to possess fairly easily, to those that require great effort or radical transformation to simulate. My intention is not to present an exhaustive list of kinds of virtue imposters; instead I explore a family of behaviors in which misrepresentation of the self is effected by the adoption of virtues or unearned aspects of character that harm the wider social order.

The Plagiarist. Perhaps the most common kind of virtue imposter is the plagiarist—one typically thinks of students buying term papers from Internet sources, or recycling A papers from fraternity brothers. Plagiarism has long been the fodder of news stories, classroom discussions, and uncomfortable conversations between teacher and accused student. Although media scrutiny tends to focus on the ease of buying papers electronically and crafting cut-and-paste assignments, the issue extends beyond the misuse of the Internet as a research tools.

The plagiarist appropriates the virtue of knowledge that, in its honest attainment, requires effort, discipline, and discernment. But passing off another's work as one's own, appearing more accomplished than one actually is, leads not just to better grades (and long-term benefits) but establishes and boosts professional reputations as well. Eminent historian and former University of New Orleans professor Stephen Ambrose responded to charges of plagiarism in his *Wild Blue*, a salute to World War II aviators, remarking, "if I sometimes fail to put in the quotation marks, I certainly never fail to put in the footnote." Ambrose echoed an excuse for which any teacher would love to have a nickel for each recitation. Equally eminent historian Doris Kearns Goodwin also appealed to "cita-

tion mistakes" in addressing charges of plagiarism in her 1987 best selling work, *The Fitzgeralds and the Kennedys*. Goodwin did not mention that a financial settlement quietly had been made to historian Lynne McTaggart, from whom items were appropriated.

What neither Goodwin nor Ambrose discussed is that the inadequacies of their research procedures stem from their increasing reliance on the work of assistants (in Ambrose's case, members of his family). The craft of rendering vivid, accurate portraits of the past disappears when history becomes a celebrity industry. Ambrose and Goodwin found themselves among a small number of eagerly sought-after commentators, and they succumbed to the pressures of celebrity—publishing voluminously as part of an overall strategy to remain in the public eye and receive high-profile media assignments.

Résumé Padding. Several times a year, someone is drummed out of a prominent position when it is revealed that he or she had listed on a résumé a graduate degree or claimed work experience that turned out to be a fabrication. Sandra Baldwin, president of the US Olympic Committee, resigned a day after she admitted lying about having earned a doctorate. A reporter for an alumni association, noticing discrepancies in Baldwin's official biography, found that Baldwin was not listed as a graduate by the registrar's

*While plagiarists lie about what they
know, résumé padders lie about the extent of
who they are.*

office. About a month later, the chief of Washington D.C.'s fire department, along with three of his hand-picked deputy chiefs, were found to have listed ranks and degrees not earned, awards not given them; in one case, a job dismissal was described as a resignation. In this case, a local newspaper scrutinized the résumés and employment applications after receiving tips about their veracity. After first insisting that he had corrected "erroneous information" on his résumé, the embattled fire chief, with his deputies, finally resigned. Perhaps the fire chief did not know that less than two years prior to his short tenure, the D.C. Parks and Recreation director, and the general counsel to the D.C. chief financial officer resigned after discovery of, in the words of one report, their "fictitious" résumés.

While plagiarists lie about *what they know*, résumé padders lie about the extent of *who they are*. Sadly, the motivation for adding credentials to one's résumé often is just so that one might be offered a position that transforms one into the kind of person who *is* qualified

for the job. For instance, Notre Dame football coach George O'Leary resigned after it was learned that nearly thirty years ago he had added to his résumé two items that would be repeated over his many years of coaching. He claimed that he had earned a Master's degree in education and had played three years of college football. While these lies made him attractive enough to be offered his first coaching job, the years of coaching experience that followed prepared him for the pinnacle of his career as Notre Dame's head coach. Yet few observers felt pity for George O'Leary, not only because résumé padding can deprive more worthy candidates of the job offer, but also because O'Leary lamely tried to excuse his fabrication, stating in part, "Many years ago, as a young married father, I sought to pursue my dream as a football coach."

The Military Phony. Unlike the plagiarist, who pretends to know more than she can rightly claim, or the résumé padder, who pretends to be more than he is, the military phony pretends to be someone he is not. Sometimes a military record is fabricated, as in the case of Joseph A. Cafasso, who passed himself off as a lieutenant colonel in the Special Forces in order to insinuate himself into a consultant position at the Fox News Channel and WABC radio in New York City, and a position as organizer for the presidential campaign of Patrick J. Buchanan. His fabrications extended beyond himself; Cafasso's concocted information led to erroneous news reports at Fox, in the *New York Times*, and elsewhere. And while Joseph Ellis, a historian serving

on the faculty at Mount Holyoke, did serve in the Army (in Fort Gordon, Georgia), over time he told his students, and according to some accounts, a wider circle of colleagues and other historians, that he was a platoon leader in Vietnam, a paratrooper with the 101st Airborne, and a member of General Westmoreland's staff. Following an article in the *Boston Globe* raising questions about Ellis's tales, Mount Holyoke suspended Ellis from its faculty for one year.

Consider, finally, the phony war hero, a person who either never served in the military, or did serve, but without special distinction—and then obtained, and proudly wears, unearned medals and decorations. Other veterans are often the first to spot the person who decorates himself with unearned medals. In one instance, a Navy veteran noticed a man wearing two Navy crosses (in this case, a Navy cross ribbon accompanied by a gold star pin, denoting a second award, worn above the Vietnam Service Medal and Republic of Vietnam Campaign Medal). The Navy veteran happened to have just recently learned that no one had twice received such an honor in the Vietnam conflict. Several veteran's groups post on their Web sites some of the most extravagant displays of unearned medals. (These groups also typically offer advice for verifying claims of military service, past prisoner of war status, and claims of recognition for heroism. [See inset])

Among the most brazen phony war heroes is Ralph Ervin Crowder, who had himself photographed wearing the summer white uniform of a US Navy admiral

Web Sites Useful in Verifying Claims of Military Service or Status as Former POW

- All individual service records of veterans discharged, and who have no current service obligations, are maintained at:

National Personnel Records Center, Military Records
9700 Page Avenue
St. Louis, MO 63132-5100

By providing full name, Social Security or service number, date of birth, and branch of service, one can expect a response to inquiries regarding military service or POW status within 90 days.

- Although basic military rank information is available as subordinate web pages at the Pentagon's DefenseLink Internet portal at: <http://www.defenselink.mil>, insignia (insignia would be displayed correctly by the authentic military person and might be incorrectly displayed by imposters) are available at: <http://www.defenselink.mil/pubs/almanac/almanac/people/insignias/enlisted.html>, and also at: <http://www.defenselink.mil/pubs/almanac/almanac/people/insignias/officers.html>. The nonprofit organization Hall of Heroes (www.hallofheroes.com) provides an online reference library explaining the background and history of each of the medals and awards from the armed services. Anyone wearing an unearned

Congressional Medal of Honor faces a one-year prison term and possibly at \$100,000 fine. Forging government documents to support military medals or decorations, or wearing a military uniform and medals under false pretenses, is a misdemeanor that can bring a maximum six-month prison term. Using false information to secure veterans' benefits is a criminal violation.

- An accurate list of POWs is available at <http://www.members.aol.com/Pbylin/73return.htm>; the site is maintained by private citizens and the list contains 660 military POWs and 65 civilians. All 3,755 persons listed as prisoners or missing as a result of the Vietnam War can be found on the site of the POW Network, at <http://www.pownetwork.org>. The Department of Defense list of all POWs of the Korean and Vietnam conflicts can be found at: <http://www.dtic.mil/dpmo>.
- "How to Spot a Phony Veteran or False POW," which appears at the Soldiers for the Truth Web site (at <http://sfst.org/roster.html>), and "Be On Guard for Phony Vets and Fake War Heroes," by Ed Offley, editor of DefenseWatch (May 1, 2002) offer useful lines of questioning of anyone claiming to be a veteran, war hero, or former POW.



"Special Agent Vickers and I have a few questions for you, Ericson."

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adorned with seven rows of ribbons—and a Medal of Honor—pinned to his chest. He later confessed that these items were bought from a surplus shop. There are only 157 living Medal of Honor recipients, and they all know of each other through the Congressional Medal of Honor Society. Through the efforts of one genuine recipient, Mitchell Paige, anyone wearing a Medal of Honor now faces a one-year prison term and possibly a \$100,000 fine. Mr. Crowder, when questioned by FBI officials about his naval uniform and medal, also boldly produced fraudulent material indicating he was affiliated with the National Security Agency (NSA). Posing as an officer of the NSA is an even more serious offense than falsely wearing a Medal of Honor; Mr. Crowder now faces a maximum penalty of four-and-a-half years in prison and a \$355,000 fine if convicted.

Fraudulent Science. To this point, I have presented several kinds of virtue imposters. The plagiarist *adopts* the knowledge, understanding, or analysis of others and claims them for herself. The résumé padder adds a little (or a lot) more to his experience, *augmenting* who he really is. The military phony adopts a past not her own, acts of courage she did not perform—she *impersonates* the heroic character and virtues that she does not possess.

One final type—some would argue the worst type—of virtue imposter merits discussion here. The scientific

fraud *invents* knowledge of the ways the world works. Not only might she lack such virtues as intellectual dexterity, an inventive spirit, and tenacity, all necessary for true scientific discovery, but she also dooms others in their efforts to apply, replicate, or build on a false foundation.

Consider the recent, extraordinary case of Dr. J. Hendrik Schön, the 32-year-old Bell Labs scientist who a year ago was thought to be on the fast track to a Nobel Prize as “one of nanotechnology’s brightest stars.” Results published between 1998 and 2001 (in seventeen papers appearing in scientific journals with twenty collaborators, Dr. Schön one among them) heralded breakthroughs in physics with applications in molecular electronics—building circuits out of individual molecules. Schön’s contributions were all fabrications. Although the investigative committee appointed by Bell Labs concluded that Dr. Schön alone was guilty of fabricating the data on which others relied, the scandal raised troubling questions about others touched by the fraud—the co-authors who noticed nothing unusual (and did not scrutinize one another’s data), Dr. Schön’s post-doctoral advisor and the senior author of several of the papers, the scientific journals that reviewed the papers, Bell Labs and its parent company, Lucent Technologies (which allowed Schön to claim that he saved no lab notes, a notable lapse in scientific practice).

Doubts arose only when scientists, frustrated in their attempts to reproduce Schön's work, were first told that the technique of constructing a novel transistor—where the main switching component was a layer one molecule thick—was difficult to master, but were later told that only a few of the devices actually worked. An investigation began after two physics professors noticed identical graphs that supposedly showed data from different experiments. Schön was fired by Bell Labs following the panel's finding of scientific misconduct, but he insists his work is valid, "I made various mistakes in my scientific work, which I deeply regret. I truly believe that the reported scientific efforts are real, exciting, and worth working for."

The Virtue Imposter's Harms

The most artful of swindlers and con artists can extract money from their marks without a gun; at best, the mark happily hands over all he has, gleefully believing he is getting the better deal. The virtue imposter derives benefit, too—recognition, fame, power or authority, honor, professional prestige, and often the financial benefits that follow. The advantages of deceit are clear, but the wrong committed by the virtue imposter is arguably greater than that of the swindler. "You can't cheat an honest man," so the saying goes—and con artists will thrive so long as they can find a greedy person willing to cut some corners for a "special deal." The swindler plays on people's ethical weaknesses; the virtue imposter, by contrast, plays on people's better natures—their generosity,

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humility, their need for heroes, their aspirations for the goods of knowledge and discovery. Although the virtue imposter's wrongs are extensive and merit further examination, I want to focus on the wider social harms that result.

Most of the time, discovery of the virtue imposter is followed by examination of those whom the imposter has harmed—her students, colleagues, organization, or profession. But little consideration is given to the social effects of virtue imposters. Just as these imposters arguably can be given a rank order according to the effort required to pretend to possess certain virtues, the harms of virtue imposters—again, arguably—can be assigned a rank order according to the extent and severity of harms.

Assumption of authority. One certain harm is that those who believe that the virtue imposter is the genuine article will be misinformed about facts. More importantly, they will be misinformed about what an extraordinary person—the expert, hero, visionary—is like. And they will give the imposter an undeserved authority, seeking advice, looking to—perhaps emulating—how she approaches life's challenges, or social and political questions. Even worse, those who are taken in by the virtue imposter might apply all the wrong lessons they thought they learned about the imposter's "character."

Cynicism. It is now a commonplace to remark that contemporary society is cynical, and to attribute that cynicism to revelations about the acts of leaders and prominent professionals that have eroded the public trust—the Watergate scandal and official misrepresentations about military involvement are most often cited as the greatest breaches of trust in recent US history. But other revelations have contributed to this view. For instance, many were appalled to learn from James Jones's best-selling 1981 work, *Bad Blood*, of the existence of the Tuskegee study of syphilis (begun during the Great Depression and lasting for forty-two years), which followed, but did not treat, 399 syphilitic African-American men. This, and other medical exposés—such as the 1994 revelation that some government-sponsored physician-researchers had subjected over 16,000 American patients to radiation experiments from World War II to the mid-1970s—undermine confidence that medical science truly serves public health. Populations in nuclear test sites areas in Washington state and Nevada were exposed to fallout from nuclear testing without their knowledge or consent. Add to these scandals of the garden-variety-financial greed sort, such as the savings and loan debacle of the 1980s, and the recent Enron-type accounting scandals. These incidents can lead one to conclude that, if no one is motivated by good or the common good and all motives must be base ones, then cynicism is the only reasonable stance when regarding public enterprises.

Integrity and its seeming incompatibility with success. Integrity, commonly defined as the quality of adhering to sound moral principles—of being upright, honest, sincere—can seem quaint, irrelevant, even downright antithetical to success in life. Students who plagiarize believe that doing well—regardless how the quality is produced—is essential to success, which increasingly is defined as a white-collar, prestigious occupation with a high income. Cheating is but one step in the long ladder of competition. Adults, and the young people who learn by observing them, no longer find it unseemly to compete for anything, regardless of whether that goal—or good—is what they want. No longer is it shameful to talk about wanting a lot of money—not to do anything uplifting with it, but simply to have it. The pressure some adults feel might differ little from that felt by the high school student who, despite high grades, test scores, and class ranking, believes that if she does not cut a few corners, introduce so-called efficiencies, others will surpass her. In a winner-take-all society, the pressure to "win"—whether gaining admission to one's dream college, or achieving recognition as a sought-after history commentator—becomes increasingly difficult to withstand.

Acceptance of expanding deception. When lying is seen as a necessary, acceptable part of life, two odd phenomena follow. One is that the public assigns roles to individuals and yet fails to scrutinize its need for those roles. The historian Joseph Ellis is a veteran—but some called him the "*perfect* veteran" because his claim to have seen action in Vietnam, and then return to the US to become an outspoken opponent of the war, made him attractive to a number of constituencies, including the anti-war community, and others who drew lessons from the Vietnam experience. Dr. Schön, the fraudulent scientist, was initially seen as representative of the selfless seeker of knowledge. When his fraud was exposed, some claimed that this proved that the scientific self-regulatory process worked. The head of the committee that investigated Dr. Schön's case, Dr. Malcolm R. Beasley, a professor of applied physics at Stanford University, concluded that Schön's fabrications "got understood and exposed." And Paul Ginsparg, a theoretical physicist, when asked how Schön got away with his phony experiments, insisted, "He didn't. That's a very easy answer. The question you meant to ask was 'What was he thinking?'" Ginsparg went on to say that Schön "got the professional equivalent of the death penalty." But perhaps the exposure of Schön's deception does not justify reassurance in science's safeguards; rather, it suggests an unwillingness to entertain the possibility that the standard characterization of the scientific enterprise—a cooperative, carefully scrutinized undertaking into nature's inner workings—is at best an idealization.

The other consequence of accepting lies as ordinary is that the public can easily ridicule those fooled. Just consider the recent popularity of "reality" television shows. Part of the entertainment value of "Joe (the phony) Millionaire," to name just one, was that viewers relished the prospect of seeing the reactions of the women "Joe" woos when these women learn he is a construction worker—with a modest income. When lying becomes acceptable, it is easy to blame for their victimization those whose stance is not cynicism or suspicion, seeing them as naïve or silly for *not* assuming that deception and self-serving motives are always at work.

Conclusion

Perhaps the worst effect of the ubiquity of pretense is that the public becomes complacent about being lied to. As citizens we give up our duty of civic involvement and deliberation—accepting that entertainment is not aesthetically uplifting but merely emotionally manipulative, treating all others as involved in personal machinations designed to advance only their interests, believing that political and policy decisions invariably obscure base motives. In the end, we adopt a fatalistic or defensive stance toward public endeavors and withdraw from civic participation. The seventeenth century jurist and humanist Hugo Grotius, among others, realized that deceit—regardless whether in private or public affairs—conflicts with the liberty of judgment. If one *is* duped, if one accepts that one *will be* duped, then one's judgment is thwarted. Either one is hindered from making decisions, or good decisions are entirely accidental.

In not speaking up to my friend about her fiancé, I helped him impede my friend's judgment about, among other matters, her life prospects and her best interests. As it happened, the *New York Times* did the kindness of exposing Joe Cafasso, who immediately disappeared, for the time being.

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Sources: Sissela Bok's work on lying remains a helpful contemporary philosophical examination of types of deceptive speech and action: *Lying: Moral Choices in Public and Private Life* (Vintage Books, second edition 1999), but much more could be examined, for instance, plagiarism is mentioned merely in a note on p. 207; Thomas Aquinas, *Summa Theologica* (Thomas More Publishing, 1981) 2.2. ques. 110, art. 2; Stephen Ambrose's excuse is found in "Whose Own Words?" by Jay Tolson in *U.S. New & World Report* (January 21, 2002); Doris Kearns Goodwin's explanation of her research methods are described in "How I Caused that Story: A

Historian Explains Why Someone Else's Writing Wound Up in Her Book," *Time* (January 27, 2002); John Marshall, "Baldwin's Resume: Resigned, May 2002," *Seattle Times* (May 25, 2002), and archived at: <http://www.seattletimes.nwsource.com>; Jim Keary, "Williams Told to Act on Fire Chief," *Washington Times* (April 13, 2002) and archived at: <http://www.washtimes.com>; O'Leary's words can be found in the archived edition of *Sports Illustrated* (December 2001), at: www.sportsillustrated.cnn.com; the exposé of Joseph Cafasso is found in: "At Fox News, the Colonel Who Wasn't," by Jim Rutenberg, *New York Times* (April 29, 2002); the case of Joseph Ellis is discussed by Walter V. Robinson, "Professor's Past in Doubt," *Boston Globe* (June 18, 2001); a series of follow-up articles and letters to the editor present support for and against Ellis and also chronicle the debate leading to his eventual suspension. The account of the two Navy cross medals occurs in Ed Offley's "Be on Guard for Phony Vets and Fake War Heroes," *DefenseWatch* (May 1, 2002); for the case of Ralph Ervin Crowder, see "Man Charged with Impersonating NSA Official," by Matt Campbell, *Kansas City Star* (July 12, 2002). The phrase "one of nanotechnology's brightest stars" was made by Dr. Donald Kennedy, among others. The Schön case was reported widely, two useful discussions are Kenneth Chang, "Panel Says Bell Labs Scientist Faked Discoveries," *New York Times* (September 26, 2002) and Leonard Cassuto, "Big Trouble in the World of 'Big Physics'," *Salon* (September 16, 2002) and available at <http://salon.com/tech/feature/2002/09/16/physics/-print.html>; for a list of the papers concluded to evidence "scientific misconduct," see among other place *Nota Bene: The Superconductivity Information Center and High-Tc Update*, at <http://www.iitap.iastate.edu/htcu/notabene.html>; Schön's insistence of the validity of his work is found in Charles Piller, "Prominent Physicist Fired for Faking Data Research: Bell Labs Says Scientist 'Recklessly' Misrepresented Work on Microprocessors," *Los Angeles Times* (September 26, 2002); for a useful discussion of the history and ethical issues raised by the Tuskegee study and radiation experiments (among other kinds of testing involving human subjects, see Gregory E. Pence, *Classic Cases in Medical Ethics: Accounts of Cases that Have Shaped Medical Ethics, with Philosophical, Legal, and Historical Backgrounds*, 3rd edition (McGraw-Hill, 2000); for a discussion of the Center for Disease Control's examination of studies into health effects of toxic exposure, see: http://www.cdc.gov/nceh/radiation/-brochure/profile_hanford.htm. Paul Ginsparg's observations are found in William Speed Weed's interview, "Phony Science," *New York Times* (October 13, 2002). As editor-in-chief of *Science*, Dr. Donald Kennedy found himself in a difficult position: one of Schön's papers first appeared in *Science's* Web site *Science Express* on April 18, 2002, but was exposed before the piece could appear in the print edition of *Science*. The difficulties of electronic publication preceding the "official" appearance in print is discussed by Geoff Brumfiel, "Fraud Inquiry Leave Online Paper in the Ether," *Nature* 418, 907 (2002); Dr. Kennedy, came to a different conclusion that Ginsparg. For Kennedy, the peer review system that underlies scientific publication is *not* designed to catch fraud: "I don't think it's even been expected to detect fraud wherever fraud occurs." He insisted that "science is a community venture dependent upon shared values, and trust is one of them." The Schön case echoes troubling aspects raised in the most prominent case of scientific fraud, which occurred a little over a decade ago. Nobel laureate David Baltimore resigned as president of New York's Rockefeller University after his long and stubborn defense of a postdoctoral fellow who manipulated her data, and it was learned that Baltimore took no action when another scientist told him of her suspicions. The lessons of the David Baltimore case are discussed in, among other places, Richard Saltus, "Baltimore's Legacy: Concern about Oversight of Scientists," *Boston Globe* (December 4, 1991). Hugo Grotius, *On the Law of War and Peace*, book 3, chap. 1.

Having One Child to Save Another: A Tale of Two Families

David Wasserman

An Insupportable Distinction

Zain Hashimi and Charlie Whitaker are two young boys afflicted with painful, life-threatening blood diseases. Zain has beta thalassemia; Charlie, Diamond-Blackfan anemia. Both conditions can be effectively treated only with compatible tissue from a donor who does not have the disease. Neither child could find a compatible donor; the only alternative source for such tissue was the umbilical (or other) blood of a newborn sibling. Zain's and Charlie's parents, who claimed to want larger families in any case, both sought to have another child right away to supply that blood. To be sure of bearing a child with compatible tissue, the mother would either have to endure a succession of pregnancies, testing each fetus until a compatible one was found, or do a single embryo screening, undergoing *in vitro* fertilization (IVF) and selecting, by pre-implantation genetic diagnosis (PGD), one or more compatible embryos for implantation. Because both

Whitaker—Diamond-Blackfan syndrome—is not genetically transmitted, so that his parents' embryos would require screening only for compatibility.

The question, of course, is why this difference should have dictated opposing results in the two cases. The explanation given by the HFEA's chair was that the child who developed from the embryo in the Hashimi case would benefit from the screening, while the child who developed from the embryo in the Whitaker case would not. And because the latter child would not benefit, the parents "would be creating a child to serve somebody else's needs." This distinction, I will argue, cannot bear the weight that was placed on it. But its collapse merely exposes the difficult question about what counts as an acceptable reason for having a child. I will not venture an answer to that question, but I will argue that its very difficulty weighs against any attempt to condition the state's provision of reproductive assistance on parental reasons or motives.

The very difficulty [of answering the question of what counts as an acceptable reason for having a child] weighs against any attempt to condition the state's provision of reproductive assistance on parental reasons or motives.

families lived in the UK, they needed authorization for these procedures from the Human Fertilization and Embryology Authority (HFEA).

It is here that the families' stories diverged. The HFEA granted the Hashimis permission to proceed, and in a later decision denied permission to the Whitakers. A single difference between the two cases was adduced to justify these divergent results: the disease that afflicts Zain Hashimi—thalassemia—is genetically transmitted, so that his parents' embryos would have to be screened for the disease gene as well as for tissue compatibility. The disease that afflicts Charlie

Who Benefits from Pre-implantation Health Screening?

As a bit of reflection should make clear, the children sought by the Whitakers as well as the Hashimis would have benefited from PGD in one sense but not another. Those children would have received the benefit of gestation and birth; they would not have received any other benefit from the screening, such as better health. It is true that the Hashimis would be selecting a healthier as well as more compatible child, and health can be regarded as a benefit for the child who has it. But it is not a benefit that the future child would have received from the screening process. His health would not be improved by that screening, as it might have been, for example, by screening to assess the need for prenatal therapy. Screening for health benefits the future child only in causing the embryo from which he develops, rather than some other embryo, to be selected for implantation, precisely the same benefit

that the future child in the Whitaker case would have received from screening for compatibility alone. In terms of any benefit to the future child, then, it makes no difference if the screening were for health, compatibility, or both.

The HFEA was not alone in its confusion about benefit. An editorial in the *New Scientist* on the Whitaker case claimed that health screening “would benefit the unborn child”; it interpreted the UK’s Human Fertilization and Embryology Act as holding that “the unborn child itself must be at risk of inheriting the condition” to permit PGD. This language was also used in the *Guardian*, which stated that “the Hashimi baby would have been at risk of the condition that his brother could die from—thalassemia. . . .” But no child was “at risk”—a child would either have the disease gene or not. It was, rather, the parents who were at risk of having a child with that disease—a critical distinction in claiming a benefit for the child.

Widespread as it appears to have been, the claim that the child in the Hashimi case would benefit from the health screening overlooks what is known as the non-identity problem, raised by philosophers Robert Adams and Derek Parfit thirty years ago. The problem—paraphrased to avoid philosophical controversy about the identity conditions for a future child—is that a person with a worthwhile life appears to lack any ground for complaining about harms without which her existence or birth would have been impossible or, at least, unlikely. Parents who have a child with a genetic disease when they could instead have had a *different* child without that disease may act wrongly, but they do not appear to wrong the child they have, as long as she has a life worth living. Similarly, a child with genetic immunity to a given disease appears to have no reason to thank her parents for that “benefit,” as opposed to her mere existence or birth, if her existence or birth would have been impossible or unlikely without that benefit.

In the context of PGD, the problem of non-identity is stark. A child who develops from an embryo selected

because it lacks a disease gene has no obvious reason to thank her parents for her health, as opposed to her gestation and birth, since she would almost certainly not have been selected for gestation and birth if she had that gene. The “normal” gene she carries, and the better health prospects it yields, are not an additional benefit her parents conferred on her, but a benefit resulting solely from her parents’ decision to select a healthy embryo.

Admittedly, there are other differences between the two cases. The Hashimis would have had reason to utilize IVF and PGD regardless of the needs of an existing child. If they wanted to avoid the birth of another child with thalassemia, they might have been willing to incur the expense, discomfort, and uncertainty of IVF. The Whitakers, in contrast, had no reason apart from the needs of an existing child to choose IVF and PGD. But what can we make of this difference? Arguably, only the parents are made worse off by the utilization of IVF—the embryos discarded, frozen, or mis-

carried are entities that almost certainly would not have existed *unless* IVF had been undertaken, and it is hard to claim that they would be harmed by their insensate existence.

Given the manifest inadequacy of the HFEA’s distinction between the two cases, it is tempting to conclude that it had adopted a pretextual rationale to reduce controversy, and to staunch the flow of requests for PGD from desperate parents seeking a compatible donor for an ailing child. Several commentators and politicians denounced the HFEA’s action in the Hashimi case, and the media described the children who resulted from compatibility-screening as “designer babies.” Yet within several months of the Hashimi decision, six other sets of parents applied for permission to use PGD to obtain compatible tissue. The Whitakers were one of those six, and in rejecting their request, the HFEA may well have been trying to limit the precedential and practical impact of its decision in the Hashimi case. The decision in the Whitaker



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case was circumvented when the Whitakers produced a compatible embryo at a private clinic in the United States, which does not require government approval for PGD. The decision in the Hashimi case was reversed by Britain's High Court for exceeding the HFEA's statutory authority, then reinstated on appeal. It remains to be seen if the Hashimis will be as successful in producing a compatible donor with HFEA approval as the Whitakers were without it.

"Good" Reasons to Have a Child?

Whether or not British law authorizes the use of PGD to save Zain Hashimi or Charlie Whitaker, the difficult question remains of whether it is morally acceptable to create a child to serve as a donor in *either* of these cases, or in any case. In all such cases, the timing of embryos' conception, as well as the criteria for selecting some of them for implantation, are dictated by the medical needs of another individual: an ailing sibling. Wouldn't the parents in all such cases therefore be seeking to create a child "to serve somebody else's needs," and isn't that objectionable?

This question is troubling in part because it is by no means clear what would count as a good or acceptable reason for having a child. One philosopher has asserted that, "we never have children for their own sake." He appears to assume that in order to do something for someone's sake, we must already have some attachment to, or at least acquaintance with, that individual of a sort that a prospective parent cannot have toward an unconceived child or an unimplanted embryo. But even if we cannot create a child for its own sake, we need not create children "to serve somebody else's needs"—at least if we understand "needs" in a restricted sense that excludes the mere *desire* to have a child. To act on that desire—to have a child to love and nurture—seems like a quintessentially good reason for having a child.

But perhaps we should resist the claim that it is wrong to have a child to serve, at least in part, someone else's needs. Just because it is difficult, if not impossible, to have a child for its own sake, there may be some needs that can legitimately motivate the creation of a child. Or perhaps almost any need will do. As Mr. Whitaker remarked, "people have children for all sorts of reasons . . . to look after them in old age, for passing on the family fortune. . . . Teenagers have babies in this country to get a subsidized flat. Why would they think we wouldn't love this child as much as any other?" A philosopher inclined to set a high standard for reproductive motivation could respond that good can often arise from a wrongful act, and that being a loving parent does not erase the wrong of having a child for a bad reason. But that would miss part of Mr. Whitaker's point. Just because love arises so

predictably and effortlessly from procreative acts done for the flimsiest of reasons, it is absurd to be so fastidious about those reasons.

So it may be simplistic to condemn the creation of a child to serve someone else's needs. But creating a child for certain reasons, or to serve certain needs, leaves a lot of people very queasy, and having a child to supply life-saving cells for an existing child is one such reason. Part of the queasiness may arise from a sense that if parents are permitted to create a child to "donate" life-saving umbilical blood or bone-marrow, they will be permitted to create a child to "donate" organs, perhaps even vital ones. But such misgivings are easily allayed. We can agree that it would be wrong to use an existing child, too young to consent, as a source of organs for others, and wrong to conceive a child for that purpose. The Hashimis and the Whitakers sought no such wholesale sacrifice from the new child for the old, however, and the sacrifices they did seek are ones that most of us would find acceptable to impose on an already-existing child to save a sibling. I suspect that few people who feel queasy about creating a child for its

Just because it is difficult, if not impossible, to have a child for its own sake, there may be some needs that can legitimately motivate the creation of a child. Or perhaps almost any need will do.

umbilical blood would object to the extraction of such blood from a newborn baby to save an older sibling, if that baby was conceived for other reasons. Conversely, most people would object to an organ "donation" from that baby, regardless of the reasons he was conceived. A number of lines can be drawn between acceptable and unacceptable sacrifices, and any such line can block a descent from the use of a child for a one-time blood donation to the use of a child as an organ bank. The same lines could be drawn to protect the future child from excessive sacrifices for his *parents' needs*—a concern raised by some commentators.

The Ethics of Imposed Sacrifice

The objection to having one child to save another may, however, go deeper than speculative anxieties about the exploitation of children conceived for that purpose. The source of these deeper misgivings is not the magnitude or duration of the sacrifice that may be required of the new arrival, but the fact that *that sacrifice is the sole or dominant reason* for having a child at that time. There are many chores, duties, and burdens which may be reasonably imposed on existing children, especially in exigent circumstances, but which would be unacceptable as the

exclusive reasons for creating a child. Thus, for example, an older single parent might expect her 10-year boy to help with her routine medical care, but the parent would have acted wrongly if the child had been conceived exclusively for that purpose. Similarly, the acceptability of taking umbilical blood from an existing child to save another does not imply the acceptability of having a child for that purpose.

Those opposed to having one child to save another could argue that even if we cannot create a child for his own sake, we must create him for reasons that include his own good. They could further claim that many of the reasons why children are typically created, such as

Those opposed to having one child to save another could argue that even if we cannot create a child for his own sake, we must create him for reasons that include his own good.

those mentioned by Mr. Whitaker, *do* include the good of the future child. This is most obvious for parents who have a child “for passing on the family fortune.” Unless the parents’ desire is only to disinherit someone else, such as a hated brother, the stewardship of the family fortune is a good for the child they are creating, and may provide an adequate reason for creating him. Even the teenager who has a child “to get a subsidized flat” may be acting on a vision of the future, however unrealistic, that includes the good of the child she will raise in that flat. Something similar could be said for rural parents who have children in part to work their farms, or to look after them in old age. What motivates them is not simply the service the child would provide them, but a conception of family life in which successive generations till the same earth, with each generation caring for, then cared for by, the next.

But, the argument would continue, we do not need to look to urban teenagers or rural families to make the point. Take the familiar, not-at-all hypothetical case of parents who have a second child because they believe that it would be bad for the first child to be an only child—that his childhood and development will be impoverished without a sibling. This belief may be mistaken, but many parents seem to act on it, and we do not think that they act wrongly in doing so. Their action is informed by the vision of a larger family, in which the first child will be good for the second in much the same way that the second will be good for the first. Because of this inherent reciprocity, such parents can be said to create the younger child for reasons that include his own good.

In contrast, a child conceived to provide an older sibling with blood seems to be initially cast in a less

symmetrical, more servile role. The likelihood that he will play that role only briefly does not justify his conception to play that role. What is objectionable is not the kind of sacrifice demanded of the future child, but rather the preponderant role of that sacrifice in motivating his creation. It is the urgency of the ailing sibling’s needs, and the strength of the parents’ motivation to satisfy them, that distinguish such a case from more familiar ones where the good of an existing sibling motivates not only the decision to have an additional child but the decision to have it at a particular time. Parents who wait three or four years between children to mitigate sibling jealousy may be acting primarily for the good of existing children, but they also want the new arrival to have a more welcoming environment. The asymmetry between concern for the welfare of the existing and future child is much greater in the cases at hand. The good the latter will enjoy as a cherished member of the family looks like an afterthought, not a reason or motive for his creation, which seems to be based entirely on another’s needs. The principle that condemns his creation is not based on the extent of sacrifice involved or threatened, but rather on the degree to which his creation is subservient to the needs of another, and on the absence of his own good as part of the reason for his creation.

This is still not a clear standard for assessing parental motivation, because it invokes two concerns: 1) the degree of subservience to the needs of another, and 2) the absence of the child’s own good as part of the reason for his creation. The relationship between these two concerns, and their relative importance, need to be worked out. While I suspect that a fully-articulated standard along these lines would still be too demanding or fastidious, I am willing to accept it for argument’s sake, because I want to revisit the issue of whether it suggests a morally significant distinction between the two cases decided by the HFEA.

Hypothetical Cases and Actual Motivation

We can probe the role played by this sense of excessive subservience to the needs of another by varying the extent to which the future child is a creature (so to speak) of the existing child’s needs. Consider a case in which the parents of a child with a chronic, degenerative disease, aware the risk of genetic transmission but not the prospect of a life-saving transfusion, decide to have another child, and want to assure that it does not have the same disease as its older sibling. They want this second child for a variety of reasons, some of which include his own good more clearly than others: to love, cherish, and raise; but also to confer a partial sense of normality on the family, and perhaps to aid in the care of the ailing sibling as they grow older. The mother undergoes IVF, and screens the embryos for the disease gene, finding

five or six that lack it. At that point, the doctors tell the parents about the prospect of a transfusion for their existing child, and invite them to screen the “healthy” embryos for tissue compatibility. They do so.

Here, it could be said that while they did not choose to have a child merely to serve somebody else’s needs, they chose to have *this* child for that purpose. Is their course of action any less problematic than the Hashimis’? The child in this case would not have been conceived, but merely *selected* for implantation, solely “to serve somebody else’s needs.” (One can also imagine cases falling between the hypothetical and actual cases in this respect, e.g., the parents have decided to try having another child in a year, then, after an older child is diagnosed with the disease, start trying right away.) That may be enough to satisfy some, if not all, of those who opposed the parents’ actions in the Hashimi or Whitaker case.

Those cases look far more like each other than either does to the hypothetical case. It is only in the hypothetical case that the decision to have a child at present would not be dictated by the needs of another child, and the embryos would not be subject to health screening to serve the needs of that child. In contrast,

The only relevant difference between the Hashimi and Whitaker cases is that the Hashimis intended to screen twice, first for health, then for compatibility, while the Whitakers intended to screen only once. Does this matter morally?

the only relevant difference between the Hashimi and Whitaker cases is that the Hashimis intended to screen twice, first for health, then for compatibility, while the Whitakers intended to screen only once. Does this matter morally? As I argued earlier, it is difficult to claim that the Hashimis would have undergone the health screening out of concern for the welfare of the future child, since the screening could only select a healthy child, not make a child healthier. Nevertheless, that screening might not have been done solely to serve somebody else’s needs. Is the fact that health is a good for a child, and that it might well be part of the Hashimis’ reason for health screening to have a child that enjoys this good, enough to claim that the Hashimis but not the Whitakers would have selected a future child for reasons that include his own good?

The Hashimi’s own response to two unscreened pregnancies intended to produce a donor for Zain suggest that they were concerned with the good of their future as well as their existing child. When their first attempt yielded a healthy but incompatible fetus, they

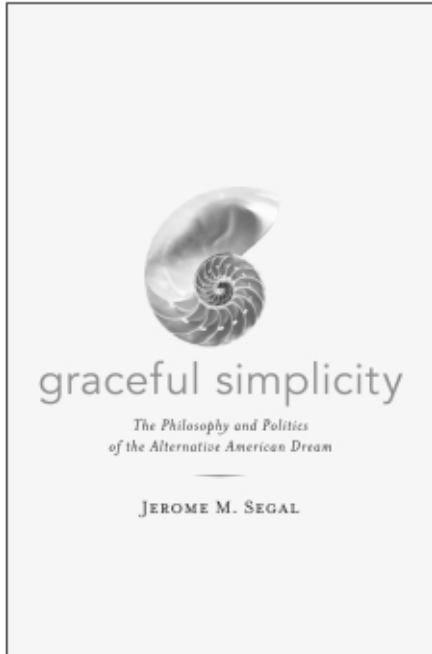
declined the doctor’s offer to “book a termination.” Ms. Hashimi later explained that “we love Harris for his own sake.” They did abort a second fetus, which, like Zain, had the gene for thalassemia, perhaps wishing to spare themselves, their family, and their future child the hardships associated with that disease. But these are decisions that the Whitakers could also have made if they had proceeded in the same way. More important, the Hashimis’ concern for the actual fetuses they produced do not resolve the uncertainty about their initial reasons for producing them.

We remain uncertain about those reasons, because of the mixed motives with which the Hashimis would have undertaken a health screening. We can tease apart those motives by imagining a case where the health of the future child is irrelevant to his adequacy as a donor—e.g., the parents are at risk of transmitting one disease, but the existing child suffers from another, non-transmissible one. Here, the health screening would clearly not be for the sake of the existing child, even if could not be said to be for the sake of the future one. We could even imagine that the healthier embryos would not make the best donors. If the parents were willing to sacrifice some compatibility for some health, their creation of a future child would not be entirely subservient to the needs of an existing child, though they could not be said to be acting for the sake of a future child. But could they be said to be acting for reasons that include the good of that future child, and if so, couldn’t this be true to a lesser extent in the Hashimi case?

An affirmative answer is suggested by considering a case where the parents are not willing to make any tradeoff between health and compatibility: they choose a highly compatible embryo likely to develop into a sickly child, with chronic, painful, but non-life threatening afflictions, instead of a marginally less compatible embryo likely to be very healthy. The sickly child resulting from their choice might well feel resentment (to use philosopher Joel Feinberg’s term), not because his parents made him sickly—they could not have made him any other way—but because they were indifferent to the health of their future child, a child who turned out to be him. The parents could not claim in their defense, as they could if they had declined to abort a child with the same genetic predisposition to ill-health, that they loved him despite those predispositions, and were unwilling to have a different child instead. At the time they made their decision, “he” was merely one candidate for implantation, and they chose him only for the compatibility of his tissue with that of an existing, ailing sibling. His good was no part of their reason for having him. In contrast, if the parents had been willing to choose the marginally less compatible embryo so that their next child would be healthy, it could be argued that their reasons for having that child included his own good.

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Even without the tradeoff between health and compatibility in this hypothetical case, it would seem that parents who chose a healthier embryo among equally compatible ones would be choosing that embryo for reasons that included the good of the child from whom it would develop. We can compare their choice to a choice among adult candidates for life-saving treatment. Those who believe that choosing an embryo on the basis of expected health is choosing for reasons that include the good of the future child could argue as follows: choosing an adult for life-extending treatment on the basis of expected health or longevity—as opposed, say, to expected productivity—would be choosing for

No one should be permitted to create a child to serve as an organ bank for existing siblings, or to sell to a laboratory for medical research. But the state should not deny a person the technological means to create a child, or to screen embryos, just because the dominant motive for doing so may be to preserve the life or health of an existing person.

reasons that included his own good. Like the healthiest adult candidate, the child who would develop from the embryo with the best health prospects would receive a greater benefit from being chosen than the other candidates would, so his selection would be made for reasons that included his own good.

Still, a critic might deny that in *any* case where the embryos were created to make a tissue donor for an ailing child, they were created for reasons that included the good of the future child. Inverting the description I gave of the first hypothetical, the critic might say that even though the parents would not choose to have *this* child merely to serve someone else's need—indeed, even if they would choose *this* child for reasons that included its own good—they would choose to have *a* child merely to serve someone else's needs, not for reasons that included the good of the child they created. Moreover, in the actual case, the Hashimis would have chosen *this* child partly, and maybe preponderantly, for reasons other than the good of that child, since an embryo with thalassemia would not make a suitable donor for their existing child, however compatible its tissue. As noted earlier, their motives for health screening would be inextricably mixed.

Conclusion

The difficulty of deciding what count as acceptable reasons or motives for having children compounds the difficulty of determining what parents' motives actu-

ally are. If parents themselves are often uncertain, confused, or self-deceived about their reasons for such critical decisions, how can the institutions that attempt to regulate their conduct hope to achieve a tolerable degree of certainty? These difficulties make clear that the state lacks both the knowledge and the moral authority to regulate the use of reproductive technology on the basis of parental motivation. For these reasons, the state should allow prospective parents the use of any safe reproductive technology so long as they have not established plans for their future children inconsistent with their responsibilities to protect, nurture and respect them. No one should be permitted to create a child to serve as an organ bank for existing siblings, or to sell to a laboratory for medical research. But the state should not deny a person the technological means to create a child, or to screen embryos, just because the dominant motive for doing so may be to preserve the life or health of an existing person.

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Sources: Aaron Zitner, "A Matter of Life, Ethics," *Los Angeles Times* (October 29, 2002); Human Fertilization and Embryology Authority, "HFEA to Allow Tissue Typing in Conjunction with Preimplantation Genetic Diagnosis," Press Release (December 13, 2001); Human Fertilization and Embryology Authority, "HFEA Confirms that HLA Tissue Typing May Only Take Place When Preimplantation Genetic Diagnosis Is Required to Avoid a Serious Genetic Disorder," Press Release (August 1, 2002); Tom Whitehead, "US Experts Question 'Designer Baby' Ban," *Press Association* (August 2, 2002); Editorial, "A Tale of Two Youngsters; Two Boys, Two Diseases. One Will Be Treated, One Won't. Why?" *New Scientist* (August 10, 2002); Sarah Boseley, "Women: A Matter of Life and Death," *Guardian* (September 6, 2002); Robert Adams, "Must God Create the Best?," *Philosophical Review*, vol. 81 (1972); Derek Parfit: *Reasons and Persons* (Clarendon Press, 1984); David Benatar, "Why It Is Better Never To Come Into Existence," *American Philosophical Quarterly*, vol. 34 (1997); Anthony Brown, "Six Couples Seek 'Ethical' Designer Babies," *Observer* (February 24, 2002); Margarette Driscoll, "Only Forbidden Science Can Save Our Son," *London Times* (April 6, 2003); Clare Dyer, "All We Wanted Was to Save Our Son: Zain Hashimi Could Be Cured by Blood from a New Sibling—But the Law Lags Behind Reproductive Technology," *Guardian* (January 14, 2003); Lois Terry, Anne Campbell, "Case Study: The Child that Might Be Born . . .," *Hastings Center Report* (May-June, 2002); Ethics Briefings, "Born to Be A Donor," *Journal of Medical Ethics*, vol. 27 (2002); Joel Feinberg, "Wrongful Life and the Counterfactual Element in Harming," *Social Philosophy & Policy*, vol. 4 (1982). Nancy Jecker, "Conceiving a Child to Save a Child: Reproductive and Filial Ethics," in *Morals, Marriage, and Parenthood: An Introduction to Family Ethics*, edited by Laurence D. Houlgate (Wadsworth, 1999).

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Genetic Engineering and Our Human Nature

Harold W. Baillie

Introduction

Developments in genetic engineering have swept us along faster than we can follow—and certainly faster than allows for adequate consideration of ethical consequences. Genetic engineering in plants and animals is pervasive, human genetic selection is now commonplace, and genetic enhancement seems unavoidable. Challenging and dangerous possibilities of “improving” the species will, discovery by discovery, arrive at our threshold like the salesman, who, his foot initially thrust in the door, is suddenly standing in the foyer. Given the pace of change and our fascination with it, one can reasonably anticipate that arguments against genetic engineering will be ignored in the face of technological enthusiasm. For better or worse, our children will receive from us a brave new world.

If we are “condemned” to bequeath our children a world in which genetic engineering is a reality, we must develop a way of talking about—and enforcing—rules governing its use in a way that furthers human concerns while preserving human nature. In short, we must assure that, in some sense, our children are like

Understanding the sacred helps us identify elements in nature and human nature that ought to be preserved. . . .

us. But up to now discussions about genetic engineering have been inadequate. There is a vague insistence on the need for “enlightened” public policy, both national and international, to ensure a harmonious world community. But policies addressing genetic engineering must reflect some vision of what human beings *are*, a task that still lacks a consensus. If we are to preserve our human nature, perhaps we ought first consider the question: what have we been as human beings? I want to suggest that the notion of the sacred is an important part of such considerations. Understanding the sacred helps us both identify ele-

ments in nature and human nature that ought to be preserved and also understand what might be required to “preserve” our human nature.

A Traditional Notion of the Sacred

The notion of the sacred refers to that which is holy or has been made holy by its connection with a deity. For example, the medieval theologian Thomas Aquinas uses the term to describe the science of revelation; for him, the sacred refers to both God and His actions, and subsequently to what has been revealed to us about them. Revelations of the sacred is for our benefit, and although human understanding is limited—a weakness of our intellect, contends Aquinas—revelation is an incitement and opportunity to improve our wisdom about the nature of the world and our place in it.

According to Aquinas, humans are created in the “image and likeness of God.” The significance of this is that an image carries the sign of its origin and an aspect of the original. In humans, the image of God is found in the “intellectual soul,” which houses reason and the possibility of judgment. The rest of the animal world carries a “trace” rather than an image of God—that is, evidence of God and His design, but not any element that allows for reason and judgment.

According to this view, human nature is sacred, indeed to a lesser extent all nature is sacred, because as creatures we share in God’s nature. Through our shared nature, particularly its rational capacities, we are able to learn of the nature of God and come to understand that everything has a complete dependence on God. Thus, the sacred allows us to understand some of God’s nature and His actions.

A Contemporary Notion of the Sacred

Contemporary versions of the sacred hold to some aspects of Aquinas’s conception without accepting his entire position. One common position claims that the sacred “transcends human affairs in the sense that it is experienced as having value independent of human decisions and preferences.” The ethicist Gregory E. Kaebnick wants a source of value rooted in transcen-

dence, analogous to Aquinas's recognition of the meaning of creation. But for Kaebnick, this value-conferring notion of the sacred is free of the historical baggage of God and creation—it has no “special ontological relationship.” He suggests (but does not explicitly say) that this notion of the sacred, taken from environmental ethics, is generally about nature, but it can be applied to bioethics issues, including the challenges of genetic engineering. Specifically, Kaebnick contends that the advantage of the notion of the sacred is that it carries with it an acceptance of value that is not defined solely by individual human ends: “The idea of the sacred is the idea that we bear a moral relationship to other things.”

Kaebnick suggests that we can “ascrib[e] sacredness to a work of art, the human body, nature, or the natural order of birth and death” as a pre-theoretical response to the world. When he reaches for content for the sacred, he looks to a romantic view of nature characteristic of such poets as William Wordsworth or Walt Whitman, or to the romanticist painters of the Hudson River School. Kaebnick's romanticism involves the wistful hope that we can recall the time when nature and its workings were truly beyond us and, with a proper recollection, we shall once again respond with reverence.

The immediate difficulty with this analysis is that it begs the very question it hopes to address. The era in which we possess remarkable powers to influence or alter biological life is already upon us, and one is hard pressed to find any area of biological life that has not been touched by the human hand. Kaebnick's notion of the sacred must thus simply be understood as con-

There is a richness of content derived from the rootedness of the sacred in a larger reality, a reality that transcends the human, and to which humans need access.

servation, a sense that the past was somehow better: “If something's being sacred does not flatly prevent us from acting in ways that appear to threaten that entity, the right thought—drawing again from environmentalism—is that *we ought to tread lightly and cautiously*” (italics original). Yet it is precisely the aggressive trend of technological advance that is at issue.

The key problem in trying to stop—or at least to slow long enough to properly consider—the implementation of such aggressive techniques as genetic engineering by appeal to the sacred is that some understandings of “sacred” are empty. Once the nineteenth century German philosopher Friedrich Nietzsche famously declared that God is dead, there

was good ground to argue that the sacred died with him. For Aquinas, the sacred carried with it the weight of its divine origin. There is a richness of content derived from the rootedness of the sacred in a larger reality, a reality that transcends the human reality, and to which humans need access. In considering Aquinas's understanding of nature, one also must consider nature's creator and the creator's divine plan. When God died, the “fact” of that death also removed the possibility of man as an image of God and the animal world as possessing traces of God. Kaebnick's sense of the sacred cannot fill the void left by God's death. Without a source, image and trace evaporate. When they evaporate, so too does our ability to locate those elements in our world, and to extrapolate from them an ethical guide, or even the reason to want to bother to do so.

The Sacred as Feeling

Another notion of the sacred understands it not as a concept, but that which elicits a feeling. One prominent example of this view is medical ethicist Leon Kass's use of the “Yuk factor” as the beginning of an argument against cloning. The “Yuk factor” is an emotional reaction to the violation of an intrinsically valuable limit. The philosopher and ethicist Mary Midgely makes a similar point, insisting that “it is usually a bad idea to see debates . . . as flat conflicts between reason and feeling because usually both thought and feeling are engaged on both sides.” She wants us to pay closer attention to feelings as reason's allies and co-directors of ethical action. At the same time, Midgely is also aware that feelings must be articulated by thought and expressed in communication with others. Nevertheless, she calls upon feelings to augment an argument, to provide it with a pre-conceptual justification that eases the way for argument.

The problem with Midgely's attempt to defend emotional revulsion at the thought of genetic engineering—by lauding the usefulness of the emotions as a sort of early warning system—can go only so far. The important question—how the emotions got the form they have that lead them to react as they do—remains unanswered. Further, all horrors are not possessed of the same insight (Midgely mentions a horror of cats, for example) and the differences among emotional responses raise two important questions: 1) What are the social and psychological conditions that give rise to the specific emotional reaction? and, 2) What rational explanation can grow out of that emotional reaction?

Certainly, addressing the social and psychological underpinnings of an emotional reaction is a complicated affair, but Midgely's attempt to draw an argument from emotional reaction yields ambivalent conclusions. She is horrified at two very different—

albeit related—issues: first, concern with the genetic alteration of species, and second, concern with the nature and growth of the industry of bioengineering. She quickly moves from a horror at mice growing human ears on their backs to horror at “this huge uncriticized impetus, this indiscriminate, infectious corporate overconfidence, this excessive one way

Although emotion . . . offers important occasions for reflection, emotion does not ground or inform reflection.

channeling of energy” of the biotechnology industry. She seems to find acceptable “single projects, introduced slowly, tentatively, and critically,” but urges delay on the larger, more sweeping projects of biotechnology, insisting they are “unnatural” and “in the quite plain sense [they call] us to alter radically our whole conception of nature.”

Although emotion—such as the horror Midgely describes at the prospect of mice with human ears, or fear at the prospect of large genetic projects—offers important *occasions* for reflection, emotion does not *ground* or *inform* reflection. Our emotions also are usually not “pure” responses; they reflect our goals. For instance, one may be repulsed by the thought of a mouse with human ears (in part because one sees no use in a mouse altered in this way) but one might not be horrified at equally strange elements in a research program that would eliminate the possibility of Huntington’s chorea or Tay-Sachs from a child’s future. Our interests, in short, influence our emotional reactions.

The Hard Case of Genetic Engineering

Despite these difficulties, I want to suggest that the notion of the sacred can help us with the ethical questions raised by genetic engineering. To do this, I turn to Plato, the premier philosopher of the Western tradition. In his analysis of the human psyche and what drives it, Plato suggests that eros, a deep psychological force, propels us to go beyond ordinary human needs and capabilities to seek out truth, beauty and goodness. As Diotima, a main character in his dialogue *Symposium*, says, men are “pregnant in respect to both body and soul,” and this pregnancy is a striving for the immortal. This striving takes many forms—from our desire to have children so that we may live on past our death, to contemplation, the reward of the practice of philosophy in which the eternal ideas are thought.

One could suggest that genetic engineering is a concern of those who are pregnant in body only, and thus

worries about genetic engineering are “beneath” true intellectual evaluation. When one glimpses immortality through one’s children, the issue of genetic engineering seems to confer benefit. Few parents would deny their child any help that would avoid or correct a genetic defect, and likely many parents would also be interested in genetic enhancement.

If Plato is right, then eros—that deep psychological force that drives humans to go beyond the ordinary—will resist attempts to preserve the status quo or thwart the promise of genetic engineering to achieve immortality, betterment, perhaps even perfection. Manipulation of the genome promises individuals the power to mold the future according to an image of the beautiful to which they aspire, or perhaps come to expect. Parents will be especially drawn by this promise—anyone who has lost sleep during a pregnancy, or fears the birth of a child because of as yet unknown difficulties, deformity, impairment, death, knows well the implicit ideal that reproduction and

Plato suggests that eros, a deep psychological force, propels us to go beyond ordinary human needs and capabilities to seek out truth, beauty and goodness.

birth holds up against an uncertain reality. The relief that accompanies a “normal” birth, or the devastation and regrouping that follows a “problem” birth give further testimony to power of that ideal. The suggestion that the fate of a child should be left to the hand of cruel and random nature when technical means exist to minimize the possibility of disaster seems ludicrous to the profoundly worried parent.

At this point, the recognition that such technical means are not now fully developed, that they will be risky, complex, expensive, and perhaps unjust, carries little force in the face of the significance of the accomplishment. This is true for those with the resources to gain access to the technology, but it is also true for those who are either passionately worried, risk takers, or are confident—even overconfident—about technological innovation. Further, eros, that strong psychological drive to go beyond need and capability, will at times lead one, unknowingly, to risk great harm. The parent who chooses genetic manipulation—out of love and protective feelings for their child—might never consider other risks or dangers that the child faces as a result of genetic alteration. Certainly, human history is filled with examples of the terrible consequences to societies that have attempted “improvement” or “perfection” of some of its members, or have deemed some as “better” and others “lesser.”

The more one is driven by desire, the less one is willing to consider the consequences of the fulfillment of that desire. If eros responds to genetic technology, then it is possible—though not assured—that we might give careful consideration to the implications of alterations to the physical makeup of the human being. Plato addresses this general point as well, describing the human being as struggling with different passions, an appetite for physical pleasure and an appetite for the fruits of reason. The results of this tension are as erratic—and possibly dire—as those of Plato’s famously evocative example of the chariot pulled by two temperamentally different horses. A dark horse (the desire for pleasure) is yoked with a white horse

If we are to generate principles and practices that allow us to reasonably govern the use of genetic technologies, we must find ways to address both our striving for beauty and immortality, and our revulsion at a nature indifferent and wanton beyond measure.

(an appetite for recognition under the guidance of either pleasure or reason), with a charioteer (reason) struggling to control them. The progress of this chariot is never assured, as at times the charioteer is in control and at times the dark horse seduces his teammate and they rule the chariot. Humans are often under the influence of their dark horse.

But perhaps we moderns have done a more thorough job of thinking about the dark horse than we give ourselves credit. As Nietzsche insisted, to properly understand nature, we must recognize its overwhelming capriciousness, as the stark and wanton suddenness of disease will attest. Our eros (our internal dark horse) often rules us, and—if Nietzsche is correct, it can be encouraged or manipulated. Thus, a simple optimism about our abilities and the comforting embrace of nature are not adequate to our reality.

If we are to generate principles and practices that allow us to reasonably govern the use of genetic technologies, we must find ways to address both our striving for beauty and immortality, and our revulsion at a nature indifferent and wanton beyond measure.

Toward an Answer

Some, such as political theorist Francis Fukuyama, hope to close off the possibility of genetic engineering in order to preserve human nature in its present form. Fukuyama’s view of human nature is that which has achieved an end of history in the development of democracy. But he fears that change will begin a new history, and we then must learn to deal with a different

human nature. As I suggested, however, the force of eros precludes a simple halt to genetic engineering, even in the name of preserving human nature (as we know it). If this is so, then perhaps we can say that Fukuyama is right about the wrong problem. Technical advances in genetic engineering will indeed alter in unknown and unforeseeable ways our very human nature—but only the nature of some. Because of humanity’s enormous genetic diversity, for a time the alterations we make will have only a limited effect. Those individuals who are engineered (and their descendants) will comprise only a small proportion of the entirety. Their significance will be magnified by their symbolism of their origin, and to some extent, by the success of the engineer’s intent in bringing about the physical improvements promised by genetic engineering. But others will have a different view of perfection, or will not turn to genetic engineering as a reach toward perfection at all. Instead, they might view genetic engineering as a means to restore, sustain, or enhance health in order to continue a life devoted to self-understanding and perhaps to wisdom.

These differences can create stubborn social tensions. But an appeal to the sacred will not establish clear lines between the permissible and the impermissible. Indeed, the attempt might exacerbate the tension. The difficulty lies in trying to use the sacred as a normative category in the absence of a community-shared religious experience. At best, the sacred is a consequence of an already existing community experience. At worst, it will manifest the varieties of incommensurable divine experience, and seemingly justify all manner of genetic experimentation.

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Sources: For definitions of ‘sacred’ see *Oxford English Dictionary* (Oxford University Press, 1971); all references to Thomas Aquinas are from the *Summa Theologica*, found in *Basic Writings of Saint Thomas Aquinas*, edited by Anton C. Pegis (Random House, 1944), vol. 1 (Q1, A5), (Q35, A1), (Q93, A2), (Q93, A6), Gregory E. Kaebnick, “On the Sanctity of Nature,” *Hastings Center Report*, vol. 30 (2000); Mary Midgley “Biotechnology and Monstrosity: Why We Should Pay Attention to the Yuk Factor” *Hastings Center Report*, vol. 30 (2000); Plato, *Symposium* (Penguin, 1999); Plato, *Phaedrus* (Penguin, 1973); Francis Fukuyama, *Our Posthuman Future: Consequences of the Biotechnology Revolution* (Farrar, Straus and Giroux, 2002).

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