

Physicians at War

The Dual-Loyalties Challenge

**INTERNATIONAL LIBRARY OF ETHICS, LAW,  
AND THE NEW MEDICINE**

*Founding Editors*

DAVID C. THOMASMA†

DAVID N. WEISSTUB, *Université de Montréal, Canada*  
THOMASINE KIMBROUGH KUSHNER, *University of California, Berkeley,  
U.S.A.*

*Editor*

DAVID N. WEISSTUB, *Université de Montréal, Canada*

*Editorial Board*

TERRY CARNEY, *University of Sydney, Australia*  
MARCUS DÜWELL, *Utrecht University, Utrecht, the Netherlands*  
SØREN HOLM, *University of Cardiff, Wales, United Kingdom*  
GERRIT K. KIMSMA, *Vrije Universiteit, Amsterdam, the Netherlands*  
DAVID NOVAK, *University of Toronto, Canada*  
EDMUND D. PELLEGRINO, *Georgetown University, Washington D.C., U.S.A.*  
DOM RENZO PEGORARO, *Fondazione Lanza and University of Padua, Italy*  
DANIEL P. SULMASY, *Saint Vincent Catholic Medical Centers, New York, U.S.A.*  
LAWRENCE TANCREDI, *New York University, New York, U.S.A.*

VOLUME 41

The titles published in this series are listed at the end of this volume.

Fritz Allhoff  
Editor

# Physicians at War

The Dual-Loyalties Challenge

 Springer

Dr. Fritz Allhoff  
Western Michigan University  
Kalamazoo, MI  
USA  
fritz.allhoff@wmich.edu

ISBN: 978-1-4020-6911-6

e-ISBN: 978-1-4020-6912-3

Library of Congress Control Number: 2008922459

© 2008 Springer Science + Business Media B.V.

No part of this work may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, microfilming, recording or otherwise, without written permission from the Publisher, with the exception of any material supplied specifically for the purpose of being entered and executed on a computer system, for exclusive use by the purchaser of the work.

Printed on acid-free paper

9 8 7 6 5 4 3 2 1

springer.com

*To military physicians, for your  
humanity, compassion, and service*

# Contents

<b>Introduction</b> .....	1
<b>Physicians at War: The Dual-Loyalties Challenge</b> .....	3
Fritz Allhoff	
<b>Part I Physicians and Dual-Loyalties</b>	
<b>Dual-Loyalty and Human Rights in Health Professional Practice: Proposed Guidelines and Institutional Mechanisms</b> .....	15
International Dual-Loyalty Working Group	
<b>Guidelines to Prevent the Malevolent Use of Physicians in War</b> .....	39
Michael E. Frisina	
<b>Dual Disloyalties: Law and Medical Ethics at Guantánamo Bay</b> .....	53
Jonathan H. Marks	
<b>Toward a Framework for Military Health Ethics</b> .....	75
Gervase Pearce and Peter Saul	
<b>Part II Physicians and Torture</b>	
<b>Physician Involvement in Hostile Interrogations</b> .....	91
Fritz Allhoff	
<b>Indecent Medicine Revisited: Considering Physician Involvement in Torture</b> .....	105
Richard Matthews	
<b>Torture and the Regulation of the Health Care Professions</b> .....	127
John Lunstroth	

<b>Part III Physicians and Weapons Development</b>	
<b>Is Medicine a Pacifist Vocation or Should Doctors Help Build Bombs? . . . . .</b>	<b>151</b>
Michael L. Gross	
<b>The Case Against Doctor Involvement in Weapons Design and Development. . . . .</b>	<b>167</b>
Vivienne Nathanson	
<b>Armed Conflict and Value Conflict: Case Studies in Biological Weapons . . . . .</b>	<b>179</b>
Michael J. Selgelid	
<b>Ethics and the Dual-Use Dilemma in the Life Sciences. . . . .</b>	<b>195</b>
Seumas Miller and Michael J. Selgelid	
<b>Part IV Physicians on the Battlefield</b>	
<b>Triage Priorities and Military Physicians. . . . .</b>	<b>215</b>
Marcus P. Adams	
<b>Medical Neutrality and Political Activism: Physicians' Roles in Conflict Situations. . . . .</b>	<b>237</b>
Justin M. List	
<b>Appendix 1: Regulations in Time of Armed Conflict . . . . .</b>	<b>255</b>
World Medical Association	
<b>Appendix 2: Statement on Torture, Cruel, Inhuman or Degrading Treatment . . . . .</b>	<b>257</b>
World Medical Association	
<b>Appendix 3: Physician Participation in Interrogation (Res. 1, I-05) . . . . .</b>	<b>261</b>
Council on Ethical and Judicial Affairs, American Medical Association	

## Contributors

**Marcus P. Adams**, M.Div. Marcus Adams is a graduate student in the Department of Philosophy at Western Michigan University. Having completed a previous graduate degree in religious studies, Marcus recently had the opportunity to study seven previously unpublished Greek papyrus fragments of Septuagint Exodus from the fourth century CE; this study resulted in a coauthored article in *Vetus Testamentum*. Apart from his interests in religious studies, his primary research interests include ethics (especially ancient Jewish and Greek ethics), philosophy of science, and epistemology.

**Fritz Allhoff**, Ph.D. Dr. Allhoff is an Assistant Professor in the Department of Philosophy at Western Michigan University and a Research Fellow at the Centre for Applied Philosophy and Public Ethics of The Australian National University. He held a postdoctoral research fellowship in the Institute for Ethics of the American Medical Association, where his primary research project was to explore the role that physicians were playing in interrogations, as well as to examine the ethical training that physicians (and undergraduates) trained at military academies and institutions were receiving. He has published in the *American Journal of Bioethics*, *Cambridge Quarterly of Healthcare Ethics*, *International Journal of Applied Philosophy*, and the *Kennedy Institute of Ethics Journal*, among other places.

**Michael E. Frisina**, Ph.D., Lieutenant Colonel (US Army, retired). After receiving his doctorate, Dr. Frisina served as a faculty member and subject matter expert in leadership and ethics at the United States Military Academy at West Point, New York and the Uniformed Services University of Health Sciences and School of Medicine, Bethesda, Maryland. Dr. Frisina is a Visiting Fellow in Medical Humanities at the Medical College of Pennsylvania, a Visiting Scholar at The Hastings Center, and a contributing author in the Borden Institute's Textbooks of Military Medicine Series, *Military Medical Ethics*. Currently Dr. Frisina is the administrative director for leadership and organizational development at Tuomey Healthcare System in Sumter, South Carolina.

**Michael L. Gross**, Ph.D. is Professor of Political Science and Chair of the Department of International Relations at the University of Haifa, Israel. He completed his Ph.D. at the University of Chicago (Political Science) and has been a



Visiting Fellow at the European University Institute (Florence, Italy), The Department of Medical Humanities at Loyola University of Chicago, Northwestern University, and the MacLean Center for Clinical Medical Ethics at the University of Chicago. Dr. Gross has published extensively in the field of biomedical ethics, military medical ethics, international humanitarian law and the laws of armed conflict. His books include *Ethics and Activism: The Theory and Practice of Political Morality* (Cambridge University Press) and most recently, *Bioethics and Armed Conflict: Moral Dilemmas of Medicine and War* (MIT).

**Justin M. List**, M.A.R., is a third-year medical student at Loyola University Chicago Stritch School of Medicine. He received his master's degree with a concentration in ethics from Yale University Divinity School before spending 1 year as fellow at the American Medical Association's Institute for Ethics. He has published in the *American Journal of Bioethics*, *Journal of the American Medical Association*, and *The Christian Century*, among other places. Mr. List co-edited *Globalization, Women, and Health in the 21st Century* (Palgrave 2005). He is working with classmates and colleagues in Kenya on community empowerment projects and currently writes on related matters.

**John Lunstroth**, LL.M., MPH. Mr. Lunstroth is a board member of the International Intelligence Ethics Association, and has published in the *American Journal of Bioethics*, *Albany Law Review*, *Defense Intelligence Journal*, *Issues in Law & Medicine*, *International Legal Theory*, among other places. He just finished the MPH program at the Center for the History and Ethics of Public Health, Mailman School of Public Health, Columbia University and is currently working on a project examining the social and philosophical role the concept of justice plays in the Belmont Report.

**Jonathan H. Marks**, M.A., B.C.L. (Oxon.) is Associate Professor of Bioethics, Humanities and Law at the Pennsylvania State University. He is the Director of the Bioethics and Medical Humanities Program at the main campus, University Park, and has a joint appointment in the Department of Humanities at the College of Medicine in Hershey. Marks is also a barrister and founding member of Matrix Chambers, London. As Greenwall Fellow in Bioethics at Johns Hopkins' Bloomberg School of Public Health and Georgetown University Law Center (2004–2006), he published widely on the role of health professionals in interrogation. His sole and co-authored work on this topic appeared in the *New England Journal of Medicine*, *Hastings Center Report*, *New York Times*, *LA Times* and a special issue of *The Nation* magazine on torture, among other places.

**Richard Matthews**, Ph.D. is assistant professor of philosophy at Mount Allison University in Sackville, New Brunswick, Canada; he received his Ph.D. from Queen's University in Kingston, Ontario. His most recent publications have been on epistemological pluralism, on Kant's cosmopolitan philosophy of history, on Camus and moral limits, and on a defense of the absolute prohibition against physician participation in torture. He is currently writing a book which responds to recent claims by that torture is justifiable and necessary in some cases. The book argues against this and defends an absolute prohibition against torture.

**Seumas Miller**, Ph.D. is Professor of Philosophy at Charles Sturt University and the Australian National University (joint position) and Director of the Centre for Applied Philosophy and Public Ethics (an Australian Research Council funded Special Research Centre). He is the author or co-author of over 100 academic articles and ten books including, *Social Action* (Cambridge University Press, 2001) and *Terrorism and Counter-terrorism* (Blackwell, 2008). Recently he co-authored (with Michael Selgelid) a report for the federal Australian government on Ethical and Philosophical Aspects of the Dual Use Dilemma in the Biological Sciences.

**Vivienne H. Nathanson**, MB, BS, DSc. Professor Nathanson is Director of Professional Activities at the British Medical Association (BMA) with responsibility for ethics, public health science, medical education, and medical informatics. She chairs the BMA working group on Human Rights and is a member of the executive of the International Rehabilitation Council for Torture Victims. She teaches ethics at the University of Cambridge Medical School and is Honorary Professor at the School for Health at Durham University. She has published widely on bioethics and on public health and has edited three books on physicians and weapons, most recently a report for the BMA, *The Use of Drugs as Weapons: The Concerns and Responsibilities of Healthcare Professionals*.

**Gervase Pearce**, BFinAdmin, MBA psc, is a senior associate at the International Marketing Institute of Australia's (IMIA) Centre for Strategic Business Studies and Executive Director of the IMIA Centre for Non-Profit Studies. He was a commissioned officer in the Royal Australian Navy holding a number of operational and staff positions. His work on leadership, strategy and organizational change focuses on challenging thinking systems and processes in complex dynamic environments. He was instrumental in integrating frameworks of ethics, values and principles into a number of organizational and community contexts. He has been an invited lecturer at number of Australian universities and has been at the forefront of using applied blended learning solutions. He was a founding member of the Australian Futures Foundation and past Council Member.

**Peter Saul**, Ph.D. Dr. Saul is the Director of Strategic Consulting Group a Sydney-based independent consultancy in strategic planning, futures studies, leadership and organizational change. He has 30 years of consulting experience to both the private and public sectors in Australia and in South-east Asia. Dr. Saul is a Senior Research fellow at the International Marketing Institute of Australia's (IMIA) Centre for Strategic Business Studies and is the futurist member of the Management Committee of the Macquarie Bank Foundation's Future Problem Solving Program in Australian schools. He is a regular contributor to professional journals and conferences and is often featured in the business press.

**Michael J. Selgelid**, Ph.D. Dr. Selgelid is a Senior Research Fellow in the Centre for Applied Philosophy and Public Ethics (CAPPE) and the Menzies Centre for Health Policy at the Australian National University, where he is also a founding and Executive Board member of the National Centre for Biosecurity. He has held previous appointments at the University of Sydney and the University of the Witwatersrand

in Johannesburg, South Africa. His research focuses on ethical issues associated with, and the history of, infectious disease and genetics. He recently co-edited *Ethics and Infectious Disease* (Blackwell, 2006); and he has published articles in the *American Journal of Bioethics*, *Bioethics*, *Developing World Bioethics*, the *Hastings Center Report*, and the *Journal of Medical Ethics*, among other places.