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NATIONAL ACADEMY OF SCIENCES
Committee on Human Rights

Science and Human Rights

Carol Corillon, Editor

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Foreword

Science and human rights are inextricably linked in many ways. In 1913 former academy member Albert Einstein said in an address to the California Institute of Technology:

It is not enough that you should understand about applied science in order that your work may increase man's blessings. Concern for man himself and his fate must always form the chief interest of all technical endeavors.

The creation of a Committee on Human Rights by the National Academy of Sciences in 1976 was but the formalization of a long-standing concern of the academy about humanitarian issues.

For many years, academy officers have taken private action through fellow scientists, sister academies, and research councils throughout the world in behalf of threatened colleagues. In the 1950s, the academy helped find positions in the United States for Hungarian scientists who had fled their country. In 1966, it provided assistance to Argentine students whose education was interrupted by the closing of the University of Buenos Aires by finding institutions in the United States where they could study.

It is noteworthy that a large number of the academy's roughly 1,500 members are foreign born; many fled their countries of birth because of abuses inflicted upon them and their families by repressive governments. Many of those scientists have gone on to make outstanding contributions to the science and welfare of their nation of adoption, the United States of America.

In 1976, the council of the academy decided to institutionalize its human rights efforts by establishing the Committee on Human Rights. This publication is the culmination of more than 10 years of commitment to human rights by the committee.

These efforts have attracted the involvement and dedication of an increasing number of members of the National Academy of Engineering (NAE), the Institute of Medicine (IOM), and this academy. These members are not human rights experts; they simply care about the plight of their colleagues and are willing to speak out firmly against repression, again and again.

The academy members who have served on the committee over the years have done so with dedication, determination, and a great sense of purpose and humanity. We owe them our respect and our deep appreciation for carrying out this important and often frustrating work. In particular, I would like to mention the two past chairs of the committee, Robert Kates and Lipman Bers, and the current chair, Eliot Stellar. It is through their efforts that the committee has endured and matured. All three of these scientists collaborated in making the symposium a reality and a major success. All three were also involved in the academywide effort to gain the release from prison of Juan Luís González of Chile, Ismail Mohamed of South Africa, and Yuri Orlov of the Soviet Union, the main speakers at the symposium.

I would also like to express the deep appreciation of the members of the National Academy of Sciences to the foundations that have seen fit to supplement the academy's financial contributions to the work of the Committee on Human Rights. Their grants have made possible the sustained work of the committee. Thus, I thank the Ford Foundation, the Harry Frank Guggenheim Foundation, the Richard Lounsbery Foundation, the New-Land Foundation, the J. Roderick MacArthur Foundation, the John D. and Catherine T. MacArthur Foundation, the Scherman Foundation, and the Stichting European Human Rights Foundation.

More than 700 people attended the symposium. Most of them were academy members. It was the main event of the first day of the academy's 124th annual meeting—a very real indication of the continuing importance given and seriousness attached to human rights issues by the officers and members of the academy. In fact, over the years, our human rights committee has come to symbolize the very conscience of the academy. It is a reflection of our hope to contribute, even in a small way, to the ongoing struggle against

violations of human rights around the world—a struggle for which many of our foreign colleagues have sacrificed their livelihoods and for which some have paid with their lives.

The symposium was an inspiring event. Many of those who attended told me later that it was one of the most emotionally moving and thought-provoking events they had ever attended. It is our hope, and my personal belief, that the issues examined in this publication will be of value—not only as a record of the symposium for those who attended, but also for those concerned individuals, students, scientists, human rights activists, and members of government everywhere who care about those whose human rights are being violated.

Frank Press, President
National Academy of Sciences

Preface

The symposium on which this publication is based took place on April 27, 1987, at the National Academy of Sciences in Washington, D.C.

The publication of this book allows us, the members of the National Academy of Sciences, to honor and to celebrate the freedom of three outstanding men who are scientists and human rights activists and have experienced repression first hand. It also marks, in a formal and official manner, the importance, endurance, and success of the work of our Committee on Human Rights.

The Committee on Human Rights was created by the National Academy of Sciences in 1976 in response to increased concern by academy members about repression, in many areas of the world, of scientific colleagues, like those honored at our symposium. Subsequently, the National Academy of Engineering (NAE) and the Institute of Medicine (IOM) asked to participate in the committee's work. Two representatives from the NAE and two from the IOM are included on the 13-member committee.

The committee works in behalf of scientific colleagues, anywhere in the world, who are believed to be suffering severe repression for the nonviolent exercise of their human rights. These colleagues may be in detention, believed to be in danger of torture, held without charges or access to a lawyer, or imprisoned; they may have "disappeared" or been banished to internal exile.

Because we feel a special sense of responsibility toward our colleagues and because of limited staff and funds, the committee works

only in behalf of scientists, engineers, and health professionals. It is our hope, however, that our actions will also benefit other victims of repression whose cases fall outside our mandate. The committee currently has cases in about 26 countries.

We only undertake cases of colleagues who have not used or advocated violence. Our appeals are based on the international human rights standards embodied in the United Nations Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948. We appeal for an end to torture, for the right to a fair trial and legal representation, for adequate medical care and prison conditions, and for the release of those imprisoned or internally exiled for the nonviolent expression of their beliefs.

During the committee's first few years of operation, it undertook some 20 cases in about a dozen countries. Three hundred and fifty members of the academy accepted the committee's invitation to actively support its work by becoming "correspondents." These correspondents respond to requests from the committee that are made through a CHR newsletter, written for the correspondents, or a letter sent to request that urgent action be taken. These communications urge that respectful letters of inquiry or appeal be written, in behalf of imprisoned scientific colleagues, to the governments involved. Copies of such letters are often sent to the U.S. Department of State and to members of Congress. Occasionally the correspondents make telephone calls, send telegrams, and appeal in person during a visit to a country in which a colleague is imprisoned. Letters of support are sometimes written to the prisoners and their families and scientific literature is sent.

These approaches are often effective. Of the more than 300 cases in 45 countries that have been undertaken by the committee to date, more than 200 cases have been successfully resolved. Many of the prisoners and their families have written to the committee to express their appreciation for our efforts in their behalf.

Just as the committee's caseload has increased over the years, the number of correspondents who help it with these cases has also grown. The number of academy members who now actively assist the committee is more than 865, approximately 100 of whom are foreign associates. In addition, the Institute of Medicine and the National Academy of Engineering have supported the committee's request to their members to participate in the committee's work, bringing the number up to 1,200 correspondents in all.

OVERVIEW

Carol Corillon

Why does the National Academy of Sciences have a Committee on Human Rights? How does the committee define human rights and which rights are fundamental? Does a focus on human rights undermine efforts toward international scientific cooperation, development, political stability, or nuclear disarmament? Why does the committee work only in behalf of scientists and how do scientists become victims of human rights violations? How and why do some health professionals collude with torturers? These questions are typical of those asked frequently of the members and staff of the academy's Committee on Human Rights. They are important questions that this document helps to answer.

"Governments should respect the fundamental human rights of their citizens." That is a simple statement. It would be difficult today to find a government that openly disagrees with it because the violation of human rights by governments is now generally recognized as an area of international purview, investigation, and condemnation. Most governments are signatories to one or several human rights instruments that set out internationally recognized standards of human rights protection.¹ The most well-known of these documents is the United Nations Universal Declaration of Human Rights. However, many of the governments signing these agreements frequently and systematically violate their standards; about half routinely imprison people for their conscientious, political, or religious convictions. Government sanctioned torture is routine in one-third of the nations of the world.

¹Some of the better known human rights instruments include: *Basic United Nations Human Rights Instruments*: Universal Declaration of Human Rights (1948), International Covenant on Civil and Political Rights (1966), International Covenant on Economic, Social, and Cultural Rights (1966); *Regional Human Rights Instruments*: African Charter on Peoples' and Human Rights (Organisation for African Unity, 1981), American Convention on Human Rights (Organisation of American States, 1969), American Declaration of the Rights and Duties of Man (Organisation of American States, 1948), The Final Act of the Commission on Security and Cooperation in Europe [The Helsinki Agreement] (The Conference on Security and Cooperation in Europe, 1975), European Convention on Human Rights (Council of Europe, 1950); *Human Rights Declarations of Medical Associations*: Declaration of Geneva (World Medical Association, 1948, 1968, 1983), Declaration of Hawaii (World Psychiatric Association, 1977, revised 1983), Declaration of Tokyo (World Medical Association, 1975).

In countries where there is no respect for the physical and mental integrity of the person, other rights—a fair trial, legal representation by a lawyer of one's own choosing, family visitation, access to medical treatment, adequate conditions of confinement—are largely ignored as well.

Amnesty International has developed a 12-point program for the prevention of torture that it has recommended governments adopt. Among the points listed are recommendations that governments should demonstrate their total opposition to torture; adopt safeguards to ensure torture does not occur in incommunicado detention; ensure that prisoners are held in publicly recognized places; establish safeguards during interrogation and custody; ensure impartial investigations of complaints; disqualify confessions obtained through torture; prosecute alleged torturers; provide financial compensation to victims and their dependents; intercede with governments accused of torture; and ratify international instruments against torture.

Unless governments are held accountable for their actions, there is little impetus for them to change. This is particularly true of unpopular governments and those that fear political opposition and use repression as a weapon against the expression of political and religious beliefs. Just as governments do not want to openly admit that they abuse human rights, neither do they want to be accused of it. The Committee on Human Rights found that when human rights groups document abuses in a thorough, professional manner and present the information to the government that is practicing the abuse, the government is embarrassed. It is also often angry and generally denies the allegations. In the end, however, if pressure from the human rights groups is maintained in an evenhanded manner, progress can often be made.

The committee believes that pressure—sustained, respectful pressure—works. And when a scientific institution that carries authority and prestige makes appeals for its colleagues, its concerns are not as easily dismissed by governments as those made by human rights groups sometimes are.

This book cannot possibly deal with the numerous issues that have come to the committee's attention over the years, but it touches on many and goes into considerable detail on torture, psychiatric abuse, violations of medical ethics, and civil and political rights. Of course, not all human rights issues are as clear-cut as the straightforward belief that man should not torture his fellow man. We hope that the discussions that follow will stimulate thought, questioning,

and exploration among students, human rights activists, scientists, government officials, and ordinary citizens who are concerned about human rights abuses.

For those groups deciding to create a human rights committee of their own, Appendix C includes a blueprint of how our committee is organized. It illustrates how a group can begin and operate on a continuing basis in a small way and increase its activities if additional resources become available.

THE SYMPOSIUM

The symposium was a reflection of the international solidarity of scientists. The right to search for and to speak the truth is, for scientists, essential. When this right is denied, science and those who practice science suffer. The theme reflected in many of the presentations is that of the scientist's responsibility to his colleagues and the consequent moral support and inner strength derived by those who are victims of abuse.

The international scientific community is becoming increasingly involved in human rights issues. An article by physicist John Ziemann considers the involvement of scientists in human rights through the use of the human rights instruments discussed earlier.

Many of the difficulties of achieving transnational solidarity in the world scientific community are . . . overcome by appeal to the international code of human rights. This code is universal, it is phrased in precise legal language, and it has been accepted in principle by most civilized governments. Actions based on this code thus stand above political squabbling and the conflict of governments. A learned society which takes up the cause of foreign scientists whose human rights have been infringed can scarcely be accused of partisan political action: on the contrary, failure to act in such cases could be regarded as neglect of a moral duty.²

Ziemann also points out, in *The World of Science and the Rule of Law*, that some rights are particularly important for the pursuit of science. According to Ziemann,

²Ziemann, John, "Solidarity within the Republic of Sciences," *Minerva* (Spring 1978), p. 13.

A typical scientific career would begin with formal education and training in research. This would be followed by employment in scientific work, where it would be necessary to have access to scientific information, and to communicate the results of research to other scientists. This leads naturally to the expression of opinions about the work of other scientists. To take part in critical discussions of new scientific ideas, scientists need to move around, and to meet together in various groupings. If their work has been well done, they may win a personal reputation and be eventually honoured publicly for their intellectual achievements.³

The rights discussed by Zieman as particularly important to scientists are:

- education and training;
- work and choice of work;
- communication;
- opinion and expression;
- movement;
- assembly and association;
- honor, reputation, and intellectual achievement.

The committee has received dozens of letters of thanks and appreciation from scientists whose rights have been abused, and from their families, for its efforts. Often the knowledge that we were continuing our appeals has been of great comfort to the prisoners and their families and has helped sustain courage and hope. For example, a mathematician in Turkey wrote to the committee following his release from prison. He said:

I thank you and the Academy for the interest you showed in my case. This is an excellent example of solidarity between scientists. I thank you again and again for your interest. Your solidarity gave me the necessary strength to face the injustices.

A physician in Chile, following his release from prison, wrote: "I want to thank the Committee on Human Rights of the National Academy of Sciences for the forceful and quick action it took with regard to my latest detention. . . . Generous attitudes, effectiveness and solidarity such as yours, engenders my respect and affection, and

³Zieman, John, Paul Sieghart, and John Humphrey, *The World of Science and the Rule of Law*, Oxford University Press, 1986, p. 38.

more important, reinforces my decision to continue fighting for the defense of fundamental human rights in my country.”

An imprisoned algebraist in South Africa wrote: “Because of the concern and action of your Academy many people have responded to our problems and hence our conviction grows that our dream of a non-racial democratic South Africa shall be realized.”

The wife of a Soviet electrical engineer wrote before her husband’s release from prison: “I was so touched to get your warm letter and to know about your concern and care. I am very thankful to you for your efforts and I think them rather useful.”

The three major papers presented here are written by former prisoners from Chile, South Africa, and the Soviet Union. (Appendix A includes short biographies of the authors.) The nationalities of the authors reflect the fact that repression is not confined to an individual culture, a specific geographic area, or a political ideology. Scientists in all fields are vulnerable to repression.

Perhaps the most poignant illustration of the unity and the diversity described here occurred at the end of the symposium. The three main speakers—representing markedly different cultures and political backgrounds—raised their arms spontaneously and joined hands to the thunderous applause of the audience. Many in attendance had made written and oral appeals in behalf of the former prisoners who spoke. Although human rights work is often frustrating and discouraging, the audience could not have left the symposium with any doubt that their efforts are worthwhile, that their appeals make a difference.

Many of the members of the NAS, NAE, and IOM are not only correspondents of the committee, they also work with human rights committees within other organizations of which they are members, or take on individual cases as “their own,” or make a point of discussing a particular case with people of influence. The individuals who provide introductions and comments in this volume are all members of the NAS, NAE, or IOM. (Their affiliations also appear in Appendix A.)

For many of the scientists who feel they have a moral responsibility to help and have become involved, the work of the Committee on Human Rights has been very different from the exacting, scientific work they do in their labs and classrooms. For example, unlike most scientific work, with human rights work it is not always possible to tell whether ones efforts have been helpful in a case or, when a case is finally successfully resolved, whether a particular intervention made

the difference. In addition, when the committee was first created, information on cases was often difficult to obtain and usually secondhand. This has changed over the years, however. Now that the committee is better known and its work has brought it into contact with government officials, religious figures, human rights groups, and scientists around the world, case information is often received directly and immediately from reliable sources in the country of abuse.

The following sections address in depth a variety of issues that have been grouped into three categories in this book: (1) torture, psychiatric abuse, and the ethics of medicine; (2) human rights, human needs, and scientific freedom; and (3) human rights and human survival. Each will be discussed briefly in this overview chapter.

TORTURE, PSYCHIATRIC ABUSE, AND THE ETHICS OF MEDICINE

Torture and psychiatric abuse are important issues that confront, increasingly, U.S. physicians, lawyers, government officials, and others. An estimated 8,000 torture victims, almost all of whom are refugees, are reported to live in the New York metropolitan area alone. Some of the individuals whose cases have been undertaken by the committee, and thousands of others who remain unknown, have been tortured while in detention; others have been imprisoned for speaking out against the practice of torture or because they documented the physical evidence of torture. If and when these individuals are released, they often require long-term medical treatment.

The World Medical Association defines torture in the 1975 Declaration of Tokyo as "the deliberate, systematic, or wanton infliction of physical or mental suffering by one or more persons acting alone or on the orders of any authority to force another person to yield information, to make a confession, or for any other reason."

In the Soviet Union, although the practice of psychiatric abuse has sharply diminished in recent months, hundreds of political dissidents and others have been confined to special psychiatric hospitals and administered mind-altering psychiatric drugs as a form of punishment.

Another focus of concern that cannot be ignored by a scientific institution like the NAS, or the IOM, is that health professionals—physicians, psychotherapists, nurses—have sometimes abused medical ethics. They have colluded with the torturers and have misused psychiatry for political purposes.

As will be described by some of those presenting comments later in this report, most of the committee's work is conducted privately, in the hope that the offending government will recognize and acknowledge its commitment to human rights and will respond when abuses are questioned. In some instances, governments have answered our inquiries; in others, the prisoners have been released or their conditions of confinement have been improved. Occasionally, when the government has not been properly responsive or a substantial number of scientific colleagues are imprisoned in a particular country, the committee undertakes a mission of inquiry. Missions were made to Uruguay and Argentina in 1978, to Chile in 1985, and to Somalia in 1987. Mission delegates received reports of widespread torture in each of these countries.

In Uruguay, the delegates visited a mathematician, Professor José Luis Massera, in a military prison in 1979, four years after his arrest. Dr. Massera was first secretary of the Uruguayan Communist Party before political parties in the country were "recessed." During interrogation he was reportedly forced to stand on one foot until he collapsed and broke a hip. He was not given necessary medical care. Professor Massera was released from prison in 1984. All members of the Uruguayan military who were accused of human rights violations between 1973 and 1985 were granted an amnesty.

In Argentina at least 9,000 people were made to "disappear" in what the military government called "the dirty war." It is believed that most of these individuals were tortured. A number of such cases have been documented recently by forensic scientists and anthropologists in Argentina who, with the assistance of the American Association for the Advancement of Science, have exhumed bodies from mass graves and identified evidence of torture. Among those cases of the "disappeared," undertaken by the committee in the late 1970s and never resolved, are those of four physicists: Dr. Federico Alvarez Rojas, Dr. Gabriela Carabelli, Dr. Antonio Missetich, and Dr. Eduardo Pasquini.

During the self-proclaimed "dirty war," health professionals are believed to have colluded with the Argentine military, on a systematic basis, in the torture of prisoners. One well-known example is the case brought by Argentine newspaper editor Jacobo Timerman against an Argentine physician, Dr. Jorge Antonio Berges, who was a police doctor during Timerman's detention. Timerman claimed that Berges

supervised torture with an electric prod and treated detainees in several secret detention centers.⁴

According to Amnesty International, it has not been easy to identify and bring to account those doctors who violated human rights and medical ethics because many of the victims are dead and those who survived were often hooded while in detention, or if they did see them, were unable to determine the identity of the doctors who treated them.⁵

Two former Argentine presidents and five of the nine former military commanders who served during the 1976 to 1983 military rule have been convicted of charges, including murder, torture, illegal detentions, and disappearances, and are serving sentences of up to life imprisonment. However, hundreds of other middle and lower ranking military officers accused of similar crimes were granted immunity under the "law on due obedience" because they claimed they were "obeying orders" when they were involved in repression.

In Chile, in response to information provided to the committee by medical colleagues there regarding detention, internal exile, torture, and disappearance, a delegation was sent to Santiago in 1985 to gather information and make appeals to government officials. While in Chile the delegation met with members of the Colegio Médico de Chile, of which symposium speaker Dr. Juan Luís González is president. According to Dr. González, while the Medical Association of Chile receives many oral reports of torture, most of the victims are afraid to put their reports in writing. He says that while the medical association knows that torture has been a tool used by the government in Chile during the past 13 years, the Medical Association of Chile is restricted by the government in its effort to find witnesses and to verify the facts.

While in Chile, the delegates of the Committee on Human Rights also met with Dr. Ramiro Olivares, a physician at the Vicaría de la Solidaridad, which operates under the auspices of the Catholic Church. Dr. Olivares reported that few torture survivors require hospitalization by the time they come to the Vicaría to file a complaint. Many victims are kept in prison after they are tortured, which

⁴Stover, Eric and Elena O. Nightingale, *The Breaking of Bodies and Minds*, 1985, W.H. Freeman and Company, New York, p. 240.

⁵See Amnesty International's "Argentina: Doctor convicted of torture released under 'due obedience' law," December 17, 1987, A.I., Index AMR 13/10/87.

often makes it difficult to document the physical sequelae of torture, particularly when electric shock is used, because the visible physical evidence can be slight or nonexistent.⁶

At the time of the committee's mission to Chile, over 200 cases of alleged torture by members of the Chilean security forces had been presented to the Chilean courts. There had been no convictions, although a few of the cases had been investigated. Dr. González himself was detained for a month and a half in 1986. Dr. Olivares was arrested and imprisoned for more than a year between 1986 and 1987. The committee and its correspondents made many appeals in behalf of these physicians to officials of the Chilean government. Both men are now free and continue their efforts to end torture in Chile.

A number of the individuals in whose behalf the mission to Somalia was undertaken are alleged to have been tortured. Unfortunately, the committee was not permitted to visit any of these prisoners to ascertain their physical condition. The committee's report, *Scientists and Human Rights in Somalia, Report of a Delegation*, contains a chapter on torture, which includes information received from three physicians affiliated with the Canadian Centre for Investigation and Prevention of Torture. These physicians examined and treated several dozen Somali refugees in Canada who have said they were tortured in Somalia. The physicians found the scars and complaints made by the Somalis they examined to be consistent with the history of detention and torture that the Somalis described.

Following the mission to Somalia, the committee received statements signed by two of the prisoners whose cases it has undertaken: Abdi Ismail Yunis, a mathematician, and Suleiman Nuh Ali, an engineer. These testimonies were received from what are believed to be reliable sources, although committee members were unable to directly verify the statements. These testimonies describe, in great detail, the torture to which Yunis and Ali have reportedly been subjected by the security forces in Somalia.

The committee has been involved in the issue of abuses of psychiatry for political purposes only to the extent that it made numerous appeals in behalf of Dr. Anatoly Koryagin, a Soviet psychiatrist, who spent six years in a Soviet labor camp after documenting abuses of

⁶For further information on torture in Chile, please see CHR's report entitled *Scientists and Human Rights in Chile, Report of a Delegation*.

psychiatry for political purposes. Dr. Koryagin was the chief psychiatric consultant to the Working Commission to Investigate the Use of Psychiatry for Political Purposes, a human rights group in the Soviet Union. During a 4-year period just before his arrest, Dr. Koryagin and another psychiatrist examined several dozen dissidents who were released from psychiatric hospitals or threatened with detainment. None of the individuals examined was found to be in need of psychiatric treatment or confinement.

Through its work over the years, the committee has become increasingly aware of the particular vulnerability of health professionals working in areas of conflict. In the course of carrying out their obligations as health professionals, these individuals are often caught up in the conflict, detained, and sometimes killed. The committee has also recognized a need not only to defend those who speak out against psychiatric abuse, but also for steps to be taken to end such abuses. It became apparent that health professionals, by the very nature of their work, are more often exposed to abuses of human rights, occasionally collude with the abusers, and are more vulnerable to becoming victims of abuses themselves. Thus, the committee decided to encourage the academy's Institute of Medicine in its efforts to create a committee that would address such issues. In 1987 the IOM decided to create its Committee on Health and Human Rights (CHHR). (A description of the IOM committee's mandate is included in Appendix B.)

The Committee on Health and Human Rights works with and provides support to medical groups that speak out, in their own countries and elsewhere, against practices such as collusion of physicians in torture, abuses of psychiatry for political purposes, and medical breach of confidentiality. In his comments, Dr. Albert Solnit discusses a number of medical principles applicable to a wide variety of cultural, political, and ideological settings. As he points out, such principles are particularly important when it becomes state policy to view disagreement with the government as evidence of mental illness.

HUMAN RIGHTS, HUMAN NEEDS, AND SCIENTIFIC FREEDOM

As Gilbert White points out in his introduction to this section, it is perhaps easier to define torture, to identify malpractice, and to suggest means to cope with them than to handle some of the other aspects of human rights violations.

The “other aspects” to which Dr. White refers are civil and political rights and economic, social, and cultural rights. These rights have come to be called, respectively, negative and positive rights and are the subject of considerable debate. Negative rights involve restraint by a government from doing something against an individual citizen. Positive rights require a government to take action to fulfill a need, such as providing medical care, food, education, or employment. Of course, to restore some of these rights involves both negative and positive obligations.

Negative and positive rights have been the object of discussion in classrooms, at international meetings, between developed and developing countries, between the East and West, between U.S. Republican and Democratic parties, and, as the comments later in this report reflect, within the National Academy of Sciences.

After spending considerable time examining the various rights and evaluating what concrete and realistic contributions it can make toward helping individuals achieve them, the committee decided it should focus on civil and political rights, the negative rights.

Lipman Bers, the second chair of the Committee on Human Rights, defines the right to food, to a job, to medical care, and to education as “positive” rights. He defines “negative” rights as the right not to be arbitrarily arrested, not to be tortured, not to be exiled, and not to be killed for one’s opinions.

Human rights groups that focus on political and civil rights—and most of them do—have sometimes been accused of a bias toward Western values. While the committee’s focus is on the negative rights, many of the scientists in whose behalf action is taken have become victims of government abuse because they exercised their right to speak out against government practices. Often these are practices that deny or impede access to basic human needs such as food, education, and health care. In other words, the committee promotes social and economic rights of individuals by defending those who speak out against abusive social and economic government practices.

In his comments, Robert Kates, the committee’s first chair, discusses which basic human needs could be considered human rights. He concludes that water, food, shelter, and health—and perhaps education—should qualify. He also suggests that the academy begin to act in the area of social and economic rights by asserting the right of all humankind to be free from hunger. Such an effort would involve

“one of the most ancient and sustained applications of science and technology.” According to Dr. Kates:

It is no easier now to know how to begin confronting hunger than it was ten years ago to confront torture and imprisonment. Perhaps we might begin with the extremes. In a modest way, we might speak out when people, particularly civilian populations, are intentionally deprived of food, usually in the midst of conflict, held hostage to their hunger to press for an advantage or to punish for their allegiance.

In response to Dr. Kates’s speculation about whether people have a right to education, Professor Walter Rosenblith asks the following question: “If we as an academy look towards the role that science and technology is playing in changing the human environment, in changing the globe, in changing our society, can we omit the right to education both as a human need and as a human right?”

Ismail Mohamed, whose paper appears in this section, discusses the denial of both the negative and positive rights to the majority of the population in his country, South Africa, and his hope for the creation of “a nonracial, unfragmented, and democratic society in South Africa.”

Professor Mohamed comments on education: “For generations, our black youth have cried out for the right to an education which will enable them to take their place in the ranks of the free youth of the world, so that they may determine their own destiny and that of our country.” About health care, he says: “While the vast mass of our youth lack the most elementary knowledge of health and hygiene, they are the victims of disease, of malnutrition and poverty.”

Lipman Bers, in ending his comments, points out that, while the Committee on Human Rights recognizes the importance of positive rights, there is a good reason why the international human rights movement, of which our committee is a small part, has concentrated on negative rights:

It makes sense to tell a government: ‘Stop torturing people.’ An order by the prime minister or the president, or whoever is in charge, could make it happen. It makes sense to tell a foreign ambassador that, ‘the American scientific community is outraged that you keep Dr. X in jail. Let him out and let him do his work.’ It requires no planning, no political philosophy, and it can unite people with very different opinions.

It is quite a different matter to tell a foreign government, let’s say a government of a developing country, ‘You really should

give this or that positive right to your people.' If we make such a demand in good faith, it must be accompanied by some plan for implementing this right, and by some indication of the cost and of who will pay it and how it will be paid.

HUMAN RIGHTS AND HUMAN SURVIVAL

The topic of this chapter is the relationship between the defense of human rights of Soviet scientific colleagues and efforts toward preservation of peace. The question of whether we can have one without the other is a recent and sometimes troubling issue for many American scientists. Andrei Sakharov, who is a foreign associate of the academy, said in a 1977 essay entitled "Alarm and Hope" that the issue of human rights is not simply a moral issue but also "a paramount, practical ingredient of international trust and security."

During the past 40 years, human rights and human survival have become a focus of attention within the U.S. scientific community and within the human rights community during the past 10 years. This is another area of debate that has been the focus of many groups and, as reflected in this section, about which there are a variety of views within the academy itself.

While we have seen a gradual acceptance of the importance of respecting and defending human rights, we have also been faced with an increasing awareness of and concern over the ever present threat to human survival—a general nuclear war between the two superpowers.

Because of the horrendous global consequences should a nuclear war occur, the need to preserve peace has become a major issue in our lives and the focus of many scientific meetings and exchanges.

The importance of defending both human rights and national security is recognized by almost everyone. However, their juxtaposition and interaction, particularly with regard to U.S. relations with the Soviet Union, is often inevitable, and to some minds—incompatible. To others, these issues are inextricably linked. Congressman Steny Hoyer, chair of the Commission on Security and Cooperation in Europe, has said that "if we really want to make arms control work, we must build trust between the signatory nations—a trust which, in the Soviet case, is a function of progress in human rights."

In a November 13, 1986, editorial entitled "The Right Priority for Human Rights," *The New York Times* took the position that "human rights and arms control are fundamental concerns of the

American people. Holding one hostage to the other does a disservice to both.”

To quote from Sakharov’s “Alarm and Hope” essay again:

The most serious defect of a ‘closed’ society is the total lack of democratic control over the upper echelons of the party and governments in their conduct of domestic affairs, and foreign policy. The latter is especially dangerous, for here we are talking about the finger poised on the nuclear button. The ‘closed’ nature of our society is intrinsically related to the question of civil and political rights.

The National Academy of Sciences has been concerned with both issues for many years. Its long-standing human rights concerns have already been described. Its concern with prevention of nuclear war stimulated an exchange of scientists that began in 1960 between the United States and the Soviet Union. Paul Doty, one of the speakers at the symposium, was the first chair of this program, which is known today as the National Research Council’s Committee on the USSR and Eastern Europe.

In 1980 the academy created a Committee on International Security and Arms Control, of which Dr. Doty has also been a member. In discussing his involvement, he explains that the members of the committee have tried “to bring about a bridge between the scientists in the Soviet Union and those here [in the U.S.] and to explore in all the ways we could between the two sides of finding a safer world ahead, depending less and less for our security upon the enormous stockpiles of weapons that we have assembled.”

Through the years, the Committee on Human Rights has taken the position that there should not be a conflict between the academy’s concerns about arms control and its concerns about human rights. We must do both—but they should not be linked in any formal manner. (Individual members of arms control delegations have made numerous informal appeals and inquiries in behalf of scientific colleagues who have been victims of human rights abuses.) This view was particularly apparent when the committee recommended sanctions by the academy against the Soviet Academy of Sciences when academician Sakharov, a foreign associate of the academy, was sent into exile in Gorky in 1980. The committee went to great pains, however, to specify that joint meetings on arms control and disarmament should be exempted from the sanctions.

The academy council subsequently issued a public statement in Sakharov’s behalf. It reminded the Soviet Academy of Sciences

that “arms control and disarmament is a central problem for both our countries” and went on to say that the council would press for meetings at which scientists from the United States and the USSR could discuss thoroughly the technical aspects of this problem.

Many individuals argue that respect for human rights is the best form of arms control—that a country that respects its citizens and has their trust will respect its international commitments and can be trusted to abide by them. Francis Low, who introduces this chapter, argues along these lines. He says that “surely a stable, peaceful world requires an absence of paranoia, it requires trust, a sharing of values which must include a universal respect for human rights. . . .” Dr. Low goes on to argue that the struggle for human rights and the search for peace are inextricably bound together. Conversely, Lipman Bers argues that “the struggle for nuclear disarmament and peace and the struggle for human rights are rather independent of each other.”

It is Dr. Victor Weiskopf’s position that “we should uncover and protest infringements of human rights in the USSR and elsewhere. At the same time, we should negotiate arms reductions and controls and avoid measures that increase fear on the other side. . . . But we should not insist upon human rights improvements as a condition for more peaceful relations.”

In his paper, Dr. Yuri Orlov suggests that steps be taken to encourage openness in Soviet society because, “if Soviet society were to become as open as the West, East-West tension would be substantially reduced and mutual security thereby increased.”

Many issues are discussed in the following pages of this report. They are issues that, unfortunately, will not soon be resolved. Reading about them, however, should yield insights. Thinking about them, discussing them, and acting upon them will help to raise awareness and concern. Progress will gradually be made, and one of the major objectives of our symposium will have been met.

WELCOMING REMARKS

William Gordon

Members and guests, as foreign secretary of the National Academy of Sciences, it is my privilege to welcome you to this symposium on science and human rights sponsored by the academy's Committee on Human Rights. The symposium attests to the importance that the National Academy of Sciences attaches to the committee's work.

For more than 10 years the Committee on Human Rights has worked in behalf of scientific colleagues around the world who are believed to be prisoners of conscience. Its caseload has grown from about a dozen in 1976 to more than a hundred active cases today. New cases come to the attention of the committee all of the time; many have been successfully resolved over the years.

The term "cases" sounds very abstract and legalistic, but each case is, in fact, a human being, a fellow scientist who is imprisoned or internally exiled or who has disappeared. The committee tries to help these colleagues not only by making appeals, but also by reaching out to them in the prisons, in the courts, and in their isolated places of exile through letters to them and to their families.

Having three former prisoners of conscience here today as guest speakers and being able to listen to them directly and freely is rewarding, indeed. We welcome each of you and applaud your courageous efforts in behalf of victims of oppression.

I cannot talk about the fine work of the committee without mentioning its correspondents, many of whom are in the audience today. Correspondents are members of the academy and its foreign associates and members of the Institute of Medicine who actively assist the committee by making private personal appeals in behalf of imprisoned scientific colleagues. They now number well over one thousand.

I am also pleased to announce that the National Academy of Engineering has recently decided that its members should also be invited to become correspondents. We look forward to their help. We are also very grateful for the vital financial support the committee receives from the academy and from a number of private foundations.

The committee has had the good fortune of being chaired by three distinguished scientists over the past 10 years. The first chair was Robert Kates and the second, Lipman Bers. The current chair is Eliot Stellar. This symposium was their brainchild, and all three are participants.

Eliot Stellar is professor of physiological psychology, Department of Anatomy and Institute of Neurological Sciences at the University of Pennsylvania. I should also tell you that he is the newly elected president of the American Philosophical Society, for which we congratulate him. Dr. Stellar has served a three-year term with dedication and sensitivity. I am pleased to announce that he has accepted our request to serve a second three-year term.

It is a great pleasure to introduce Eliot Stellar.

INTRODUCTION

Eliot Stellar

First, let me give my thanks for the support and assistance that the Committee on Human Rights has received from the academy membership and foreign associates, particularly our correspondents, and from the Institute of Medicine, the Academy of Engineering, members of Congress and their staff, the Department of State, and other human rights groups and organizations here in the United States and around the world. Without their help, we could not have achieved what we have in our work.

Second, let me say that in spite of the sad issues we must deal with, this symposium is a celebration. It is a celebration of the release, over the years, of scientific colleagues like Kamoji Wachiira, a geographer in Kenya; Sion Assidon, a mathematician in Morocco; Juan José Hurtado Vega, a physician in Guatemala; Enrique Ladislao Hernández Méndez, an economist in Cuba; I. Made Sutayasa, an archeologist in Indonesia; Rudolf Battek, a sociologist in Czechoslovakia; Janusz Onyszkiewicz, a mathematician in Poland; Husain al Shahrstani, a physicist in Iraq; and of course, our foreign associate Andrei Sakharov.

This symposium is also a celebration of marked improvements in human rights situations in countries like Argentina, Uruguay, the Philippines, and Haiti. In the Soviet Union in recent months, under the policy of glasnost, we have seen the release of many of the committee's prisoners, including Iosif Begun, Iosif Berenshtein, Anatoly Koryagin, Ivan Kovalev, Vladimir Lifshits, and Tatyana Osipova.

Finally, this symposium is a celebration of the presence here today of three of the committee's former prisoners of conscience: Juan Luis González of Chile, Ismail Mohamed of South Africa, and Yuri Orlov of the Soviet Union.

While we have much to celebrate, we must, nevertheless, remember that severe violations of human rights still continue in many areas of the world. Our committee considers that one of its responsibilities is to increase awareness of these violations and encourage actions to end them. This we are here to do today—not as experts, but as scientists dedicated to human rights issues.

Given our limited time, we have tried to narrow our focus to three topics of particular interest to the members of the academy.

Each will be introduced by one of our committee members. Gerard Debreu, professor of economics and mathematics at the University of California at Berkeley and the 1983 Nobel Prize laureate in economics, will introduce the first topic on torture, psychiatric abuse, and the ethics of medicine.

Gilbert White, Gustavson Distinguished Professor Emeritus at the Institute of Behavioral Science at the University of Colorado and a foreign member of the Soviet Academy of Sciences, will introduce the second topic on human rights, human needs, and scientific freedom.

Francis Low, institute professor in the Department of Physics at the Massachusetts Institute of Technology, will introduce the third topic on human rights and human survival.

Let us begin. Dr. Debreu.

Part 1

Torture, Psychiatric Abuse, and the Ethics of Medicine

INTRODUCTION

Gerard Debreu

Over the past two decades the systematic use of torture and psychiatric abuse have been sanctioned or condoned by more than one-third of the nations in the United Nations, about half of mankind. They have shown no discrimination according to ideologies or to races. They have raised many questions that concern this academy and the Institute of Medicine.

Some of those questions are of a scientific nature. What are the long-range physical and psychological consequences of torture and of psychiatric abuse? How can they be treated? How do the victims react when they are faced with excruciating pain or the loss of their mental integrity? How does a human being become a torturer? How does a society tolerate torture and the commitment of political dissidents to psychiatric hospitals?

The first part of this symposium will deal with some of those issues, but it will also focus on ethical questions. Outstanding among them is the participation of physicians in both torture and psychiatric abuse. The fact that men, women, and sometimes children are subjected to torture is an outrage. The outrage is greater when physicians, committed by their profession to healing and to relieving suffering, become active participants in inflicting pain and in abusing psychiatry for political purposes.

Many members of the worldwide medical community have spoken and acted forcefully in their condemnation of those professional abuses and in their defense of human rights. Four of them are with us today. The three discussants, Drs. Helen Ranney, Albert Solnit, and Alfred Haynes, have all served as members of our Committee on Human Rights.

Dr. Helen Ranney is chair of the Department of Medicine at the University of California at San Diego and Distinguished Physician at the Veterans Administration Medical Center in La Jolla. She will discuss torture, collusion of physicians in torture, and scientists and health professionals as victims of torture.

Dr. Albert Solnit is Sterling Professor of Pediatrics and Psychiatry at the Child Study Center at Yale University. He will discuss the basic tenets of psychiatric treatment of victims of torture and the abuses of psychiatry for political ends.

Dr. Alfred Haynes is professor, Department of Community Medicine at the Charles R. Drew Postgraduate Medical School in Los Angeles. He will discuss the responsibility of scientists and medical personnel to condemn abuses and to provide support for those who speak out against or refuse to collude in torture and psychiatric abuse.

Our guest speaker, Dr. Juan Luís González, is a surgeon and president of the independent Medical Association of Chile. I had the privilege of meeting Dr. González one morning in March 1985, when a human rights mission of the academy spent a week in Santiago. On that occasion, Dr. González and his colleagues commanded the respect of our mission for their professionalism and thoroughness. They won our admiration for the courage with which they condemned the practice of torture and the collusion of physicians with torturers in their country.

González testified before the U.S. Congress on torture in Chile, and he accepted the Scientific Freedom and Responsibility Award for 1986 from the American Association for the Advancement of Science for the Colegio Médico de Chile. In 1986, he became the president of the National Civic Assembly in Chile, a group of representatives of professional, social, and community organizations and trade unions who oppose the Chilean government.

When Dr. González was arrested on July 11, 1986, with 15 other members of the board of the National Civic Assembly involved in the planning of the July 2d and 3d general strike, the Committee

on Human Rights and its correspondents, many of whom are in the audience today, took immediate and repeated action in their behalf.

Frank Press and Institute of Medicine President Samuel Thier publicly appealed for their release and for the release of other imprisoned colleagues. Dr. González was released on bail on August 18, 1986, and acquitted in January 1987.

I introduce him today with exceptional pleasure.

THE WORK OF THE MEDICAL ASSOCIATION OF CHILE

Juan Luís González

Ladies and gentlemen, dear friends. It would be easy to dismiss the problem of torture by saying that torturers are depraved psychotics. However, it is the view of the Medical Association of Chile, of which I am the president, that a society that allows torture to exist and to persist and become part of the system is a sick society.

Thus, our association believes that the system of institutionalized torture in Chile is ultimately the responsibility of the Chilean society. Torture became a frequent practice throughout Chile following the coup d'état by General Pinochet in 1973.

While formal reports of torture in a frightened society are few, such reports in Chile are compiled by the Vicaría de la Solidaridad of the Catholic church in Santiago and have come to the attention of the international community. Other groups, such as the Chilean Commission on Human Rights and the National Commission Against Torture, which was formed at the end of 1982, also assist in documenting torture and repression. Physicians are actively involved in these groups, and many have been the object of government reprisals.

The National Commission Against Torture is chaired by a physician, Dr. Pedro Castillo, who is also the national counselor of the Medical Association of Chile and a former prisoner of conscience of the National Academy of Sciences' Committee on Human Rights. Another physician, Dr. Ramiro Olivares of the Vicaría de la Solidaridad, who has documented dozens of cases of torture, was arrested in May 1986. Although he was subsequently released, he was rearrested in December under the antiterrorism law and has been held without trial since then.⁷

⁷Dr. Olivares was released on bail from prison in late 1987. At the time of publication of this book, the charges against him had not been dropped.

The Medical Association of Chile also receives many oral reports of torture; most of the victims are afraid to put them in writing. While we investigate these reports and know that torture has been a tool used by the government in Chile during the past 13 years, we are restricted by the government in our effort to find witnesses and verify the facts.

It is within this societal context that the Medical Association of Chile has taken a strong position against torture, including the establishment, in November 1983, of a code of ethics with respect to torture. Within the last four years, there has been an awakening of the national conscience in Chile that has become increasingly forceful. One consequence has been that by the end of 1981 the Medical Association of Chile had begun to elect its own officers. Prior to this, since General Pinochet came to power, such officers were appointed by the government to all the professional associations.

These internal elections have allowed the struggle against torture to take place within the association's institutional framework. The leaders, democratically elected in accordance with the historical traditions of professional associations, have assumed the responsibility of increasing people's awareness of the system of torture and of working to stop its practice. For example, in an important effort to combat the participation of physicians in torture or cruel, inhumane, or degrading treatment of prisoners, the association incorporated into its ethical code a section specifically prohibiting the direct or indirect participation of physicians in such practices.

The association's decision to denounce torture and the collusion of physicians in torture led to investigations by the association's Department of Ethics of physicians accused of participating or colluding in the torture of detainees. The first of these investigations was begun four years ago. Today, the cases of 15 physicians accused of participating in abuses of political detainees have been investigated; almost all have been expelled from our association.

The importance of the work to expose participation of physicians in torture is not a matter of the number of cases that can be verified. The importance is the establishment of proof that physicians, in direct contradiction of the most fundamental precept of medical ethics, participate in such monstrous activity.

To accuse a physician of being a torturer or of colluding in torture is such a serious claim that our work must be carried out with the utmost discretion and prudence. To create even one small doubt

about the integrity of a physician is a very serious matter that could make life very difficult for the physician and for his or her family.

For this reason, our private investigations are long, painstaking, and often tedious. We also require maximum discretion from those who may learn about our investigations. When charges are finally made, they must be beyond challenge. According to the statements provided by torture victims, torture usually happens when the prisoners are blindfolded, making identification of the torturer practically impossible.

In addition, medical certification procedures used by the prisons allow acts of torture and secret detention to appear legal. According to Chilean law, every person who is detained in prison or a public place of detention is to be examined by a physician upon entering and leaving. By studying the legal dossiers of the courts, we have learned that there are physicians in secret detention centers who certify that the person has not been physically mistreated or is in good physical condition. This is done without performing the exam or by performing a very superficial one.

These health certificates serve other purposes as well. More significantly, they can reveal the degree of torture a prisoner can withstand, so that the torturer will know how much and what kind of torture can be inflicted. These health certificates are usually signed illegibly, making it impossible to identify the physician who attended to the prisoner. Because this procedure has been accepted by the courts without any apparent objection, the governing board of the Medical Association of Chile met with the chief justice of the supreme court to discuss its concern regarding this practice.

The human rights activities of the Medical Association of Chile include support for physicians who are victims of repression; presentation of a declaration to the World Medical Association in Venice, together with the Argentine Medical Confederation, supporting respect for human rights of physicians and condemning the participation of physicians in torture; dissemination of information about torture through the association's information channels and, when it is possible, through the press; and promotion of ethics, awareness, and behavior.

In summary, the work of the Medical Association of Chile has been to gather information on—and promote awareness of—the involvement of physicians in torture; to disseminate information about the ethical stance of the association against torture in the hope of preventing other physicians from becoming involved; to incorporate

into our ethical code an article taken from the 1975 Declaration of Tokyo condemning torture; to support physicians in other institutions working in defense of human rights; and to promote the discussion of ethical topics at conferences and in publications.

Recently, the Medical Association of Chile asked the Chilean government to establish an ethical code for law enforcement officers. For the future, we see it necessary to abolish the participation of physicians in torture. We have said that our position is not to classify torturers as psychotics, but to see torturers as the result of a sick society.

It is heartening to see the rebirth of ethical values and the search for what is the historical, honorable, and dignified tradition of our country. The Medical Association of Chile believes it must continue the activities it has started and provide moral and material support to institutions fighting to abolish torture. We believe that the only true solution for our country is to return to democracy. Thank you very much.

COMMENTS

Helen Ranney

Members and guests of the academy, I join Dr. Debreu and other members of the National Academy of Sciences in expressing admiration and respect for Dr. González, whose activities, together with those of his colleagues in Chile, assure the world that protection of human rights still constitutes a Chilean ideal.

The comments that I am going to make today were prepared by me in association with Dr. Elena Nightingale, a member of the Institute of Medicine and a scholar in the subject of medical participation in uses of torture.

Torture is defined by the World Medical Association as a deliberate, systematic infliction of physical or mental suffering on a person in order to induce a confession or to obtain information or for any other reason. It is not necessary to point out to this audience that torture is a violation of the ethical and religious codes of civilized nations. Yet, despite the recognition that this is an unacceptable relic of a primitive past, there are more than 60 countries in which torture is sanctioned or tolerated by the governments, themselves.

To extract confessions or to obtain information about enemies of the state are reasons often given for using torture. Usually, indeed often, the motives are far more sinister: to intimidate the prisoners,

to destroy their sense of personal integrity, and to control political dissent.

Many groups have investigated and spoken out against the practice of torture. Amnesty International has issued numerous reports on torture. Our Department of State has a section on torture and cruel treatment or punishment in its annual *Country Report* to the U.S. Congress. The American Association for the Advancement of Science, under the editorship of Mr. Eric Stover and Dr. Nightingale, issued a report on torture, *The Breaking of Bodies and Minds*, and the United Nations has established a voluntary fund for victims of torture.

In addition, in 1984 the General Assembly of the United Nations adopted one of the most detailed and important documents about torture: "The Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment."

This document obliges states to make torture a punishable offense and to provide for the extradition of torturers and compensation for their victims. This convention was adopted by the United Nations by consensus; such consensus adoption by the United Nations indicates a long-standing acceptance in many cultures.

Why should scientists and physicians, in particular, be concerned about torture? Because they are people who are committed to applying science for the betterment of mankind and, in medicine, for healing and relieving pain and suffering. The fact that men, women, and even children are being neglected and tortured by their fellow man is, as Dr. González has said, an outrage.

Why are scientists and health professionals so often victims of torture? There are several reasons. One is because they are generally respected members of their communities; attacks on them make obvious the vulnerability of other individuals in the group. If a dissident who is a respected scientist or teacher can be tortured, his colleagues and students can also take heed and they, to say nothing of the departmental clerk, will be less inclined to become dissidents.

Health workers, by the nature of their profession, are more likely to be seized for offenses against the state in countries in which violence and civil strife are common. Those offenses may include treating victims of torture, documenting or reporting the incidence of alleged torture, and showing the authorities and private organizations, such as human rights groups, the evidence concerning torture.

Dr. González has pointed out the participation of some physicians in torture. This is, of course, an aspect of participation that

has had a long history and can only be condemned. The control of torture and providing advice about what will constitute unacceptable physical evidence of torture are among the offenses that have been recorded. Falsification of records and devising grisly methods of torture have also been documented.

The reasons why health professionals become torturers are, of course, very complicated. A physician's failure to report knowledge of torture or refusal to falsify a death certificate can be based on fear for personal safety and safety of his or her family members. Loss of his or her place of work may be a concern. There is one older case from Paraguay in which the son of a physician who ran a free health clinic was cruelly tortured and murdered.

We can only join Dr. González in our appreciation of the many ways in which the medical profession participates in the condemnation of torture. We must also recognize that physicians are the victims of torture and may lose their civil rights.

We are concerned with the refugees who have been tortured and who have now found a home in this country. There are centers here and in Canada and Denmark for the treatment of victims of torture, who have been found to have increased incidence of deafness, nervous problems, psychiatric problems, and psychological problems. The Institute of Medicine recently decided to establish another human rights program in order to facilitate the expansion of human rights activities here on Constitution Avenue. The Institute of Medicine will have a somewhat broader mission, including efforts to bring about basic institutional changes for the protection of individuals from torture and mistreatment.

The work of the Committee on Human Rights is unlike most of our professional activities. It is often difficult to tell when we have been effective or when a particular result has been a consequence of our efforts. If, however, our voices are heard and just one colleague benefits from our expression of concern, then our work has been a success.

COMMENTS

Albert Solnit

I join others in expressing my respect and gratitude to Dr. Juan Luís González, president of the Medical Association of Chile, for his stirring condemnation of torture and his efforts to safeguard those who have been or could be victims of torture by or with the assistance

of physicians and the allied professions. At the same time, we are relieved and encouraged by the recent release and emigration of Dr. Anatoly Koryagin from the Soviet Union to Switzerland.

As a psychiatrist, psychoanalyst, and pediatrician and as a U.S. citizen with concern for the rights and needs of children and their parents, I am sharply aware of the dangers that follow when our knowledge and our professional authority is misused and abused; that is, subverted to political and ideological processes. In this symposium, the damage caused by such misuse and abuse has been addressed by asking, What are the issues when science and human rights are in conflict?

What largely determines the quality of life in any given community are the prevalent value preferences that become the bases for, or the guiding standards of, acceptable and unacceptable human behavior in that community. For example, the Ten Commandments are a set of rules derived from the value preferences of the Judeo-Christian culture from ancient times until now. Of course, the interpretation and modification or rejection of such value preferences represents the process of review and revision and is usually an expression of changing conditions and changing value preferences of a particular culture and especially of the hierarchy of those values that are standards of behavior for a given community in a specific era of our history. Optimistically, we hope that change will indicate our capacity to advance civilization.

In terms of misuse and abuse of psychiatric knowledge and authority, there are a number of crucial value preferences in protecting human rights and assuring psychiatric competency. First, the best interest of the patient is a value preference that requires that the clinician do no harm. If there is a conflict between the patient's needs and those of the clinician, the patient's needs shall be paramount.

Second, the patient must have the assurance of confidentiality, and if confidentiality cannot be assured, the patient must be warned that confidentiality cannot be provided or guaranteed. Fair warning must be given if confidentiality cannot be assumed.

Third, the diagnostic and therapeutic procedures used must be the least intrusive and risky in the context of effective diagnostic and therapeutic procedure alternatives that are available.

Fourth, if an experimental treatment or procedure is offered, it should be preceded by providing adequate knowledge and understanding to enable the patient to make an informed choice and to

give informed consent. Further, the risks inherent in such experimental treatment or procedures should be overbalanced by what can be gained for the patient by such procedures or treatment.

Finally, coercive procedures for diagnosis or treatment are acceptable only if the information and evidence justifying this consideration are approved by a peer group of competent clinicians who agree that such coercive procedures will prevent or minimize the threat to life by the patient's deranged behavior. The lives and safety of others and that of the patient must be protected by such coercive procedures. They should not produce a greater risk than those conditions and behaviors that evoked the recommendation of coercive diagnostic, therapeutic, and custodial care and procedures.

There should be the guarantee that each child, ordinarily those under the age of 18, will be helped to have the permanent care and guidance of at least one adult who wants that child and can provide him or her with a continuity of affectionate care and safety; that the parent and child will have community support; and that children's needs and rights will be paramount if the family is unable to function adequately, resulting in a conflict between adults' needs and rights and those of the children involved.

Although the aforementioned principles should be useful in a wide variety of cultural, political, and ideological settings by those who share these value preferences, they should also be viewed as part of an ongoing process. This process enables us to review and improve our scientific knowledge and its application and to avoid those blind spots associated with smugness. Such clarity is essential, especially when we are witnessing flagrant violations of these principles of clinical practice by governments and groups with whom we are in serious ideological, political, economic, military, and scientific conflict and competition. This is an especially crucial perspective when it becomes state policy to view disagreement with that government as evidence of mental illness.

In three recent reports, we can read how unending vigilance is crucial if clinical scientists are to work together in a manner in which we can learn from each other's errors and deficiencies and remain, above all, ethically involved.

Elyn R. Saks reviews the use of mechanical restraints in U.S. psychiatric hospitals. Mechanical restraints " . . . in this *Note* refers

to the more severe restraining devices such as 'four' and 'six' point restraints, body sacks and camisoles."⁸ Saks concludes, after a careful analysis of advantages and disadvantages of restraint and other coercive measures, that the abuse of mechanical restraints and seclusion led to 30 deaths between 1979 and 1982 in the State of New York. She further concluded that the law should use a principle of liability that would be designed to deter doctors from using restraints out of the fear that malpractice suits will be brought.

According to Saks, this principle of liability, recognizing the limits of a doctor's ability to predict violence, should ease pressure on doctors ". . . besieged by conflicting demands—both to protect patients and not to restrain them—by making a clear value choice. For example, greater numbers of patients should not be restrained in order to protect against the rare occurrence of self-inflicted injury."

The enlightened principle of liability, she continues, should

. . . reduce both the use of restraints and the supervision of patients' choices. The fear that, if effective, the rule would cause a dramatic rise in self-injuries is unfounded, as may be seen from the situation in England. English doctors have not significantly resorted to seclusion or medication to compensate for not using mechanical restraints.

Such an enlightened rule is needed to reduce the use of mechanical restraints which cause ". . . grave injury to individual liberty and dignity."⁹

Time does not permit me to go on, but I think when we talk about fighting for the freedom of such a person as Dr. Anatoly Koryagin, for example, who was punitively incarcerated because he criticized what he viewed as egregiously punitive and coercive uses of psychiatric diagnosis and hospitalization, we could temper and better harness our righteous indignation by an awareness of how we are confronted in various countries by the risk of "there, but for the grace of God, go I."

For example, in the March 21, 1987 issue of *Lancet* there are two significant reports. The first, "Japan's Search for International

⁸Elyn R. Saks, "The Use of Mechanical Restraints in Psychiatric Hospitals," *The Yale Law Journal*, Vol. 95, No. 8, pp. 1836-1856, July 1986.

⁹Ibid.

Guidelines on Rights of Mental Patients,”¹⁰ concludes with the following: “In view of . . . the absence of a clear set of international standards for the protection of the mentally ill, it would be useful to define a set of basic principles.” These were formulated by a panel of The International Forum on Mental Health Law Reform, organized jointly by the Japanese Society for Psychiatry and Neurology and the International Academy of Psychiatry and the Law and held in Kyoto in January 1987. “The Kyoto Principles,” unanimously accepted by the panel, state that:

1. Mentally ill persons should receive humane, dignified and professional treatment.
2. Mentally ill persons should not be discriminated against by reason of their mental illness.
3. Voluntary admission should be encouraged whenever hospital treatment is necessary.
4. There should be an impartial and informal hearing before an independent tribunal to decide, within a reasonable admission, whether an involuntary patient needs continued hospital care.
5. Hospital patients should enjoy as free an environment as possible, and should be able to communicate with other persons.

Similar concerns and considerations are described in the same issue of *Lancet*¹¹ in the next article with brief reports on the management of mental illness in Japan, United States, India, and Egypt, which concludes that “every government needs to formulate a strategy for looking after those usually seen as the least acceptable members of our society.”

Because mental illness is still viewed with more superstitious attitudes than physical illness and because ideological convictions may confuse ideological dissent with mental illness (and indeed often have), it is crucial that our efforts to define mental health and mental illness be free of ideological jargon and distortions and free of self-serving ideological and political ambitions. Mental illness and treatment should not, wittingly or unwittingly, be exploited for and corrupted by political and ideological aims.

Conversely, by maximizing voluntary mental health services, that is, by minimizing the use of coercion in providing mental health

¹⁰T. W. Harding, “Japan’s Search for International Guidelines on Rights of Mental Patients,” *Lancet*, March 21, 1987, pp. 676-677.

¹¹“The Management of Mental Illness: Forgotten Millions,” *Lancet*, March 21, 1987, pp. 678-679.

services, we will be able to avoid or minimize those tendencies that put psychiatric diagnosis and treatment in the service of ideological and political goals.

Clearly, Dr. Anatoly Koryagin has been committed to the separation of clinical science and ideological processes. We applaud, admire, and seek to emulate his courage and steadfast search for truth.

COMMENTS

M. Alfred Haynes

Professor Debreu, colleagues, and friends. To discuss ethics and ethical principles is an important intellectual exercise, but to see ethics personified in the form of Dr. González and the other special guests whom we have here today is a very sobering experience.

Health professionals are, by the very nature of their profession, likely to have a broader role in the arena of human rights than most other professionals. Recognition of this broader role has been a matter of careful consideration by the Institute of Medicine.

Physicians may be victimized without any regard to the practice of their profession. They are incidentally caught in the practice of torture and repression, and they deserve the consideration and concern of all persons who are unjustly treated.

In the second case, physicians may be victimized because they are performing their professional duties in accordance with a well-defined code of ethics under which we operate. This code is very clear with respect to what physicians should do. But some physicians have been victimized because they acted in accordance with these principles. They deserve our very special consideration.

In the third case, physicians may actually be in collusion with those who violate human rights. When, for example, as we have just heard, psychiatrists who have a special power to commit persons to mental hospitals allow their professional skills to be used for the purposes of illegally committing dissidents, this is an outrageous abuse of psychiatry and deserves our condemnation.

The fourth category includes the nonparticipant observers. I have chosen to define the nonparticipant observers as those health persons who, in the course of their duties, see the results of torture but refuse to keep silent. The case of Wendy Orr is a fine example. This young, white South African physician was assigned to treat

detainees and prisoners. She saw the physical results of persons who were punished, whipped, kicked, and teargassed, and her medical superiors refused to investigate the prisoners' complaints.

She saw a lawyer who gave her two choices. She could, like the rest of her fellow physicians, ignore what she had seen or she could go to court and seek an injunction and possibly lose her job. She chose to be a nonparticipant observer and went to court and won a temporary restraining order against assaults by the police. Such persons deserve our commendation.

Finally, there are those I call the participant observers. You might wonder why I call them participants, because all they do is observe. In fact, they participate by their silence. Jacobo Timerman, the distinguished Argentine newspaper editor, said the holocaust will be understood not so much through the number of its victims as through the silence in which it existed.

The Institute of Medicine has decided not to be counted among those who participate by their silence and is exploring a variety of ways in which it can join other scientists in the defense of human rights.

QUESTIONS AND ANSWERS

Gerard Debreu

The speakers will welcome questions.

Douglas Sarmelson, American Statistical Association, Committee on Scientific Freedom and Human Rights

As you know, in many cases, such as detainment of a scientist, it is possible for scientific societies in the West to argue forcefully in that scientist's behalf with the government responsible for the action.

To raise similar arguments for the end of torture or for changing the medical ethics practiced within a government is much more difficult. Do any of you have any thoughts, any insights, about what means Western scientific societies may use to persuade governments to restrict the use of torture?

Juan Luis González

I think my government is absolutely resistant to any kind of pressure that can be made by scientific associations. For the Chilean government, the only pressure that can be made is political pressure. So, that is the way to do things.

Helen Ranney

I would like to ask Dr. González if other groups are protesting the abuse of human rights by the current government there outside of the medical group that has done such an admirable job in Chile.

Juan Luis González

Not only the Chilean medical association has been protesting against abuses and defending human rights. Also the Catholic church and other churches have been working very hard on that, along with other professional associations, such as the lawyers, the engineers, and many others.

Helen Ranney

Is there any second political party that is being allowed to emerge at all?

Juan Luis González

In my country, political parties are forbidden.

Joel Lebowitz, Rutgers University

I was just going to ask members, especially those from the Institute of Medicine, to what extent medical ethics, particularly concerning torture, is now being taught in all medical schools. How much can such education be extended in the hope that it will have some effect, in general?

Albert Solnit

I think that the concept of informed consent is one that fails to be implemented perfectly. It is an effort on the part of organizations conducting experimental treatments or treatments of any

kind to make sure that obtaining consent is legitimately delegated to an appropriate person and is provided for painful or experimental treatments.

I believe we have entered into an era when we can begin to approximate a healthy answer to that question.

Virginia M. Bouvier, Washington Office on Latin America

I would like to ask Dr. González if he could comment on the recent ruling by the Chilean government regarding the use of secret detention centers, what he thinks that will mean for the pattern of torture in Chile, and if the Chilean medical association has taken a stand on that.

Juan Luís González

You will have to excuse me, but I do not understand what you say, Ginny.

Virginia M. Bouvier

There was a recent ruling by the Chilean government banning the use of secret detention centers, I understand. I wonder if you had heard that and what you think that will mean for Chile.

Juan Luís González

Yes, I have heard of that, and I think they are only words and nothing more.

Participant

I would like to direct my comment to Dr. Haynes. My hope is that the Institute of Medicine will make its activities public, so that a broader range of people than those in this room and those who read occasional documents about the abuse of medicine in torture will become aware of this situation.

I think that it is necessary, in the end, that a political process brings this practice of torture to an end in any country around the world, but if this remains private information of Chilean or American medical associations or other associations, then I think it will fall far short. I hope that that can be done.

M. Alfred Haynes

I am reasonably certain that this will be done. As I said earlier, what the institute has been trying to clarify is exactly what its role can be. The problems are so enormous worldwide and they appear, in some cases, to be increasing. The institute is reluctant to take on more than it can handle competently, but I can assure you that there is a very serious attempt on the part of the institute to do all it can and that it will take appropriate steps to encourage others who come within its domain to do their part.

Part 2

Human Rights, Human Needs, and Scientific Freedom

INTRODUCTION

Gilbert White

The definition of torture, the identification of malpractice, and the suggestion of means, both individual and social, to cope with it is a complex process. In some sense, however, it is much easier to handle than other aspects of human rights violations.

We turn now to concepts of human rights, civil and political rights, and how these are related to social and political and economic rights and needs. To do this, we intend to begin by exposing the situation in one country—South Africa—which has been very much in our minds in recent years, as an arena in which there has been systematic discrimination against the great proportion of the population.

Having heard from someone who has lived through this experience of apartheid and has, himself, been a vigorous worker to bring about its modification, we will then hear from two active participants in the advancement of human rights at home and overseas.

Professor Ismail Mohamed is a member of one of those three groups in South Africa that account for 80 percent of the population, “colored,” “black,” and “Asian.” He was born in the community of the East Cape. He was, I believe, the first person from the colored ranks to attain the status of a lectureship in the University of Witwatersrand and probably the first mathematician in any university in South Africa. He has maintained that status since, in a country in

which hardly 10 percent of the faculty comes from all three of those majority groups discriminated against. He gives us an opportunity to sense a little of the complexity of coping with human rights violations when one is a victim of gross discrimination.

Next, we will hear, as a discussant, from Robert Kates, a geographer who has worked in overseas situations such as Tanzania on problems of how low-income people wrest, in the face of natural hazards, a harmonious relationship with the resources of the area. He was, as you have heard, first chairman of the Committee on Human Rights.

Then we will hear from Walter Rosenblith, a physicist and communications engineer who became interested in the brain as a communications system and who has studied its electrical activity through the use of computers and has been interested in communications on a much broader scale. Most recently, as vice president of the International Council of Scientific Unions, he has been concerned with how scientists collaborate with each other in the face of human rights discrimination.

I expect each member of the scientific group here today has encountered in her or his own experience the question of how we respond to the organization of a meeting of scientists in South Africa and how we respond to the notion of bringing a South African scientist to a meeting we organize elsewhere. Where do we take our stand in the face of what we regard as discrimination of a political or social or economic character?

We hope these issues will be exposed in the following discussion in which you will join. First, Professor Ismail Mohamed.

APARTHEID IN SOUTH AFRICA

Ismail Mohamed

Mr. President, members of the academy, and honored guests. It is an honor for me to be a guest speaker at this symposium on human rights at the annual meeting of the National Academy of Sciences. I and my fellow oppressed in South Africa value your concern for us. We applaud your efforts to bring about a respect for human rights and a democratic society in our country.

I take this opportunity to thank the National Science Foundation and the City College of the City University of New York for financial

support and the opportunity to spend my sabbatical there, as well as the hospitality of its Graduate Center.

Our country faces serious social, political, and economic problems, and we are mindful of your concern that a new society should emerge with the minimum possible upheavals in South Africa and beyond its borders. We dare not be deterred from attempting to resolve these problems by the nationalist government's threats against democratic forces and the front-line states.

Indeed, our people are more determined than ever to bring an end to apartheid, oppression, and economic exploitation and to create a nonracial, unfragmented, and democratic society in South Africa. I am going to tell you a little bit of our struggle to understand the determination in the face of the mounting repression, what are the events and forces shaping that determination, and perhaps, then, briefly, in the light of those comments, I hope to discuss some of the issues that must concern this academy.

Our struggle has been a peaceful one. First, against the humiliation of race and caste organization of our society, in which we occupy a position of inferiority. Second, to participate in the decision-making process to determine our own destiny and that of our country. Third, for the redistribution of the wealth of the land and, of course, for an unfragmented South Africa. In short, our struggle has been about the unacceptability of homelands.

That struggle was met with repression and armed violence of the state. The state signaled by these acts that it was not prepared to resolve the social conflict outside the parameters of apartheid. Because that conflict could not be resolved on the political plane of the liberation struggle, that struggle was extended by the African National Congress to include armed struggle.

While black workers are part of the liberation struggle, their significance has grown with time due to an expanding economy and the inability of industry and commerce to rely solely on white workers. The balance of forces on the factory shop floor and in the mines has dramatically shifted to black workers.

The black workers' growing strength had its repercussions in the community and amongst the students who could now challenge the state's attempt to broaden its social base in order to preserve apartheid. We note particularly the growth of the United Democratic Front, which serves as a catalyst for the formation of opposition to apartheid at all levels of society.

The state's attempt to repress the growing opposition by detention, by bannings, and by killings has led to the devolution of leadership to the grassroots. Within the United Democratic Front, its leadership is hauled in front of the courts to be charged with treason or they are detained without trial. Many have been assassinated and murdered and they are increasingly being replaced by leadership in the community-at-large, what I have called the grassroots.

They are being replaced by people in the so-called "street committees," in the defense committees, committees which have been set up to defend ourselves against the security forces of the state. In fact, we have reached a situation that all the peaceful democratic organizations are forced to operate in some measure clandestinely and at the local level, and so new leadership is arising at the grassroots.

When apartheid will fail to be, the new government and new institutions will not rise phoenix-like; they are being created right now through those street committees and defense committees.

In an attempt to stop these developments, the security forces have occupied the townships and the schools and have attempted to exterminate the exiles and external leadership. In so doing, they are ensuring the growth of an internal, revolutionary, armed leadership within South Africa. Because the problems leading to the struggle have not been resolved, opposition to Pretoria's rules will gain momentum until that system of apartheid is destroyed.

You know that 20,000 women marched to Pretoria on the 9th of August in 1956 saying to then-Prime Minister Strijdom: "Strijdom, you have struck a rock, you have unearthed a boulder, you will be crushed." I can tell you today that boulder is reverberating throughout the townships in South African society and it is gaining momentum. In short, I am not overdramatizing when I say there is a war being waged in the streets of the townships in South Africa.

With that kind of background to tell you, really, about what is it that drives people along, I want to turn now very briefly to the issues that must concern you. The concern of the oppressed people in South Africa about the decisions that we make, or you make, at all the various levels confronting us is who will it help in that struggle that is being waged in the townships and the streets. Will it help those who rule over us or will it help us to liberate ourselves from that oppression?

Let me turn to our role in the political struggle. I believe we must destroy the lie that government is engaged in an orderly change

when, as we know and I hope I have demonstrated, it is asking for a license to prolong apartheid and the exploitation of black people.

We need to make clear that there is no possibility of resolving the social conflict within the parameters prescribed by governments, the parameters of apartheid. In fact, we are being driven down the road of escalating violence and bloodshed.

We need to educate others to the fact that there is not going to be peace in our country until Mandela, Sisulu, Mbeki, and all the other leaders in prison or in exile, people like Tambo, are released and allowed to return, the ANC unbanned and a national assembly convened to dismantle apartheid.

Let me comment, also, very briefly on the scientific and cultural boycotts. While the vast mass of our youth are struggling to acquire rudimentary knowledge of reading and writing, the children of the rulers can reach out to an understanding of the universe, to the theories of an expanding universe and of black holes millions of light years away.

While the vast mass of our youth lack the most elementary knowledge of health and hygiene—they are the victims of disease, of malnutrition and poverty—the children of the rulers can reach out to an understanding of the very basis of life, of DNA molecules and of genetic materials and of electrical and chemical messages in nerve endings.

Those who wield this kind of knowledge use it as a weapon against those who do not have that knowledge. You know the rulers arrogantly proclaim these achievements of mankind as their own special achievement. We hear them speak of white art and of white literature and of white music and of white mathematics and of white science, thereby demolishing those who presumably have made no contribution to the achievements of mankind.

I want to say that those who have stood aside from educational battles that are being fought in the schools and in the universities have helped those who use education to batter our children into submission. Therefore, the only meaningful question to ask in relation to participation by those in South African universities and academic institutions in international conferences and other forums is, Who will be helped in that war that I spoke about?

You must clearly identify those struggling for liberation. It is not sufficient to claim, as some South Africans do when they come to international conferences, that they do not represent the South African government, that they, in their institutions, have from time to

time protested against apartheid in education, while at the same time ignoring flagrant discrimination against blacks in their universities, medical schools, research establishments, and other institutions.

Their actions help to legitimize the South African system. These people often use apartheid as a shield to hide behind and white prejudice to hide behind as a means of maintaining the status quo and white privilege. We have to demand that they prove their role in that war of liberation.

We should help set up international panels to set equal opportunities and affirmative action programs and targets and examine the credentials of those wishing to participate at the international level. I think that is the first step that we need to take.

Let me turn to the academic field at a broader level. For generations, our black youth have cried out for the right to an education that will enable them to take their place in the ranks of the free youth of the world, so that they may determine their own destiny and that of our country.

They have battled for a system of education in which their values and their ideals are not treated as inferior and of no consequence. They found that the universities were closed to them, except in token numbers, first by tradition and the prejudice of white academics, by exorbitant fees and the lack of residential accommodation within those universities or surrounding towns, and later by legislation.

On the other end, their white counterparts were given every assistance to get into universities and qualify themselves to enter the ranks of those who rule over them. In recent years, the so-called "open universities" have adopted a more enlightened view, motivated partly by the shortage of white academics. Because of the international isolation of South African universities, more blacks have been appointed to academic positions.

We have heard the annual reaffirmations of the ideals of academic freedom and opposition to apartheid in university education. As we have heard, the protests from time to time, as the police came, battering our students on various campuses, but we have not heard them about the racism in these institutions, the lack of appointments of blacks to positions in the governing councils or meaningful programs of recruiting black staff.

We are concerned about the silence on the crisis in black education. We must not forget the racism that lurks in the corners to frustrate black advancement. So, here, too, in this area, we need to

set up positive measures. I am suggesting panels to investigate that situation.

To tell you about the racism that lurks in corners, a deputy vice-chancellor once wrote to me (vice-chancellor is equivalent to a president or vice-president of a college), "One can see that to appoint you in a permanent position of authority over white students and junior white staff would be to wound the very heart of Baasskap [white supremacy] and that there are limits to which we can go to offend a government."

In short, he was saying, "We cannot appoint you."

Or, as one head of a department once wrote to me, "they [meaning the university administration] would require the appointment [of myself] to be strongly motivated in the sense that I should have to guarantee that certain topics, presumably at honors and research level, could not be taught by anyone else available." The mind boggles at such bigotry and prejudice that still lurk in too many corners. But I think it reinforces the view of a selective academic boycott while helping them to set their house in order.

Now, the crimes of apartheid are many, and I cannot go through them all. Perhaps just to give you a little bit of an insight into the trauma of the lives of people in South Africa, I am going to tell you very briefly of my own, not because we epitomize in any sort of way the frustration of our people, but perhaps, on the contrary, because we, I and my family, live rather middle-class lives.

If I tell you a little bit of my experience, then you might appreciate the depth of what the people who do not have access to the international community must go through. In 1976 I was detained without charge or trial, and when I was thrown into that cell at Caledon Square in Cape Town, I learned from the children in the cell next door, 11-year-olds, that the strips of blankets that were hanging from the corner of my cell is where they had found Story Mazwembe, a political detainee, apparently having committed suicide a few days earlier.

A few days later, I was transferred to a maximum security prison and there I met Story's brother, and he had to learn from me what had happened.

I shall never forget the morning of July 30, 1980, when we discovered that our 16-year-old son had fled the country to escape police harassment. That morning I had to go and teach my students, by far and large mostly white young students, 16- and 18-year-old boys, without betraying to them what was stirring inside me.

You know, we received the message, as so many parents do, and we know they are inspired by the police, that our son was killed on the borders. But, two years later, we learned from friends that they had seen an interview with him on Dutch television, but we have not seen him since that July in 1980.

We remember how our 20-year-old daughter was taken in the middle of the night by the security police and how we searched for months to try to find out where she was held in solitary confinement. My wife has been arrested for protesting against detention without charge or trial. We have seen the suffering of our younger daughter who was held under the state of emergency and for whom we had to seek psychological help.

I can remember the shock on the faces of my 10- and 12-year-old children when the police came in the middle of the night to arrest me for treason. Those two children have experienced what thousands of other children live through every day, seeing armed police invading their homes and holding them, 10- and 11-year-olds, at the point of a gun.

How can we ever forget our colleagues who have been assassinated and murdered? I mention a few names quickly: Griffith Mxenge and his wife, our attorney, Victoria. I mention my friends that I worked with, Dr. and Mrs. Ribeiro, Norman Manuphotho, the parents of my coaccused Thozamile Gqweta, whose shack was locked and set alight while they were inside. These are the monstrous deeds of apartheid.

On December 19 we were told, while we were out, that we should not return home. In the middle of the night we went sneaking into our home and collected some of our clothes, because it seemed clear that I was no longer safe there, and we left South Africa on December 20, 1986. Thank you.

COMMENTS

Robert W. Kates

It is difficult to follow that recitation. It also brings back our own history here. When you were arrested in 1976, our committee had just begun its work. We had just been through a very difficult period of trying to decide how to proceed, what kinds of cases, there was so much injustice, so much torture, so many terrible things happening in the world. Whom should we defend? Should we defend only

scientists? Didn't shoemakers have as many rights as scientists for defense? All these questions, so difficult to try to sort out.

Then we learned of your case and it helped to crystallize and make our task easier, and it set us on the road that we have continued on to this day. We have never met before, until a little while ago. It is a very special occasion to be on the program with you.

It was also soon after that time, in 1978, in trying to defend the role of the committee against some of the criticism that we had received, particularly from the Third World and from Eastern Europe, writing on behalf of the Committee on Human Rights in *Science* magazine, I described a serious flaw in Western efforts to enhance human rights and one repeatedly emphasized by those sceptical of our role and our moral stance. I cited several examples of this critique, one of which, almost 10 years later, could easily still be written today. The then-Iranian representative to the World Bank wrote in *The New York Times*:

In spite of some 30 years of debate over this complex issue [human rights] in the United Nations, American and Western libertarian philosophy still regards 'human rights' in a very narrow context: as essentially political, universal, and timeless.

But as far as the third world is concerned they are largely one-sided, passive and abstract. They reflect political rights for the redress of grievances, personal immunity from unlawful or unnecessary search and seizure, habeus corpus privileges, due process of law for incarceration or imposition of fines, the absence of cruel and inhuman punishment, and a host of other individual freedoms of action.

But they are silent about the society's obligation toward the individual; they say little about the right to employment, the right to obtain a meaningful education, the right to enjoy a minimum of life's amenities. These 'active' and 'positive' sides (that is, society's obligations) are either ignored or considered as secondary in the roster of Western 'human rights.'¹²

Today, at this celebration of the steadfast and persistent academy effort to free the imprisoned and to alleviate the plight of the persecuted, we are still as distant from confronting rights to life as well as rights to liberty. It has never been better said:

¹²Jahangir Amusegar, "Rights and Wrongs," *The New York Times*, January 29, 1978, Section IV, p. 17.

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.

And that the Universal Declaration of Human Rights, adopted some 172 years later, would also declare that “everyone has the right to life . . .” (Article 3) and that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services” (Article 25, par. 1) is little satisfaction for how long we have failed to equalize the emphasis on life as well as liberty. This is not to say that the pursuit of or the right to work should be equated today in this country with the right to prevent abortion or to refuse to pay union dues.

There is of course one set of rights to life that are honored with deep concern in the Western world. On the individual level, this is the literal right to life, the most prominent concern being with capital punishment. Few Americans realize how rare in the West is our national acceptance of capital punishment until a country such as Germany refuses to extradite a terrorist unless we promise not to ask for the death penalty.

This concern with the sanctity of life is amplified in the great efforts to stave off the nuclear holocaust and to sustain life on earth. But setting aside these notable examples, for this discussion, I pose the contrast between rights of life and rights of liberty as the contrast between social and economic rights and civil and political ones.

I have neither the time nor possess the scholarship to speculate on how the trinity of rights became so narrowed, although I would welcome your thoughts on this point. Rather, I want to explore how we in the West, and particularly we scientists, may begin to redress the historic balance. In so doing, I will try to illustrate some of the difficulties in choosing which rights to life to assert, and then conclude with a suggestion for a modest beginning.

In the developed world, in industrialized countries, in both East and West, a starting point for rights to life as opposed to rights to liberty usually begins with rights to health, welfare, and employment. In a rough approximation, there appears to be a preference order between health, welfare, and employment. And in particular there is almost a trade-off between welfare and employment—as welfare becomes more generous and assured, unemployment has become more acceptable.

The normality of what constitutes acceptable unemployment continues to edge upwards, not only in the United States but also even more dramatically in Western Europe, and just recently in Japan. While in the socialist world, where there is great pride in the priority given to the right to work, the heavy burden of providing the right, indeed the duty to work, has led to a vast apparatus of make-work jobs and low productivity, combined with moonlighting and an expanding underground economy. Thus, in industrialized societies of both West and East, the debate as to basic rights, stripped of their rhetoric, often appears as a debate about means—relative levels and ways of implementation—rather than of the ends, themselves.

I might note still another complication in affirming rights to life as well as liberty, there is the interaction between them. In both the industrialized Soviet Union and developing China, efforts to improve economic development appear to be slowed by the absence of at least some political rights. Ironically, this seems especially so in centrally planned societies where market signals are frequently absent. Recent experience has shown that economic development in market-dominated societies may happily coexist with authoritarian regimes, as, for example, in South Korea, Taiwan, or Brazil under the military.

But if we would begin to address basic social and economic rights, it is the *crise de conscience* of the Third World that I find most compelling, just as in asserting civil and political rights we [the Committee on Human Rights] found the plight of the imprisoned most compelling, despite many other existing injustices. To illustrate let me draw from my own concern with hunger.

In the latest authoritative effort to describe hunger in America, the Physician's Task Force estimated in 1985 that there were approximately 20 million hungry Americans, of whom 75 percent live below the poverty line (8 percent of the population) and receive no supplemental food stamp benefits. The poverty line used to define hunger in this study was set at \$10—for a family of four. Let me compare this to a recently published study from Kenya which, although using decade-old data, well illustrates a fundamental difference. There, among the smallholder farm community (70 percent of Kenya's population) almost 40 percent fell below the poverty line, defined as caloric need for energy, with a comparable income for a family of seven of \$310.

But while the enormous differences in poverty and sustenance suggest that the assertion of rights to life might well begin with

the poorest of the poor, even the best-intentioned will find some confusion in assertions of which rights to claim as fundamental. One might begin with the basic human needs framework, on occasion popular among aid givers and specialized UN agencies, if less so among the underdeveloped countries themselves. The lists of needs sometimes vary, but water, food, shelter, health and education are found on most of them. Which of these would qualify as human rights? The right to water, YES; to food, YES; to shelter, YES; to health, YES; but to education, maybe.

For those of us who were given the mandate of the academy to organize an appropriate effort on human rights a decade ago, this painful moral selectivity in the face of enormous injustice and need is reminiscent of our early struggles to selectively focus our own modest efforts on where they were to be most effective and most needed. Our policy then frustrated, and still continues to frustrate, even some of our own members who are deeply committed to other human rights issues beyond the fate of the imprisoned that we chose to focus on. Nonetheless, our policy has been effective and it was a beginning.

Today, I suggest another modest beginning, to assert the right of all of human kind to be free from hunger. I do so for four reasons. Food sufficiency is an objective human need, undeniably necessary to the right to life. Freedom from hunger is a right whose time has come. The persistence of hunger in a world of plenty is unnecessary and an affront to conscience as well as creativity. And ending hunger is one of the most ancient and sustained applications of science and technology.

For the specialists in nutrition and economics, perhaps for the members of our own Food and Nutrition Board, the quantification of hunger is always in doubt. Nonetheless, that there are somewhere between half a billion to a billion-plus hungry people in the world is widely accepted. And within a 25 percent variance, the standard need for energy and protein for growth and activity is well recognized. Indeed it has been so for millenia, as the rations adopted in Mesopotamia 4,000 years ago fit well the current standards of FAO-WHO diets for the Near East.

One way of describing the history and prehistory of humankind is in terms of its definition and extension of "kind." With many fits and starts and great retreats, over time our concept of whom we define as human, as similar to us, as brother to keep, expands. It does so sometimes in surprising ways as we link hands across America or rock for Africans on Chinese television. In retrospect, these recent

expressions may prove to be just more fits and starts, but I prefer to think of them as harbingers of a popular consensus to end hunger, to see hungry Africans or landless South Asians as an extension of our kind, a consensus and an extension that must underlie all assertions of universal rights.

There is no more profound nor poignant paradox than the persistence of hunger in a world of plenty. To know that there may be as many as a billion hungry people in the world is deeply troubling and frustrating, when, at the same time, mountains of butter in Europe and overflowing granaries in North America threaten the agricultural economy of the industrialized world. Thus, the persistence of hunger is an affront to our conscience and a deep challenge to our science.

To free the world from hunger, not only for the five billion now, but also for the ten billion of the future, will call for our conscience and for our creativity. We will need the best of our science, not merely in the obvious applications of technology to productivity, but even more importantly in the social understanding of how to increase productivity without increasing the misery of the needy. We will also need to know how to sustain agriculture and to distribute its products in that crowded, warmer world toward which we move.

It is no easier now to know how to begin confronting hunger than it was 10 years ago to confront torture and imprisonment. Perhaps we might begin with the extremes. In a modest way, we might speak out when people, particularly civilian populations, are intentionally deprived of food, usually in the midst of conflict, held as hostage to their hunger to press for an advantage or to punish for their allegiance. There are far too many recent examples, whether they be refugee camps in Lebanon, disputed provinces in Ethiopia, mined harbors in Nicaragua, or scorched fields in Afghanistan.

As a second step, we can encourage adherence to and U.S. ratification of the United Nations International Covenant on Economic, Social, and Cultural Rights, with its twin rights to both adequate food and the "rights of everyone to be free from hunger" (Article 11). This covenant has been ratified by 88 nations. (While the United States has signed this covenant as well as the International Covenant on Civil and Political Rights, it has ratified neither.)

At the same time, and for more lasting impact, we can examine our own science and our own activities in the National Research Council. If we do so, in a searching way, I am sure that we will find a great deal of complexity and conflicting opinions as to how to end hunger and even some questions as to whether we are part of

the problem or the solution, as well as new opportunities to bring together the disparate activities of the National Research Council, currently parceled out under agriculture, development, population, nutrition, and the like.

None of these initial acts may prove satisfactory, neither assuaging our conscience nor tapping our creativity. I am not overly troubled by this prospect. If we have learned anything in the last 10 years, it is that there is not really efficacious response to enormous evil or injustice, but only the lighting of candles rather than the cursing of the darkness. It will be enough if we begin to think and then learn to act as if human rights don't end with liberty, but begin with it.

COMMENTS

Walter Rosenblith

I am not telling you anything when I tell you that I find it difficult to follow Professor Mohamed's moving account and Professor Kates's look to the future of universal rights and the role that the academy should and needs to play in that regard.

Maybe I should spare you altogether my remarks and let you address my two colleagues, but which professor has ever been able to do this?

(Laughter)

The National Academy of Sciences is a symbol of the international nature and character of science. One-fifth, at least, of its membership was born, as we call it today, "offshore."

(Laughter)

The annual meeting has, in the past four years, started with a symposium of a day and a half on issues of nuclear war and arms control. So it was last Saturday and Sunday. The topic dealt with the issues of the day, with the problems and the hopes for potential deep cuts in nuclear weapons arrays.

These issues, like those of human rights, are not issues in which benefits of the moral behavior of scientists can be easily quantified in cost/benefit terms. They are more in what our forebears might have called the nature of a tithe, of an ethical imperative. We owe it to the people who live with these issues—and Professor Mohamed has demonstrated that most vividly—not to scatter our shots and to be

as effective as we can be with respect to this epidemic, because it is an epidemic.

We should find ways, and that is probably the most difficult thing for a body such as the academy—and I speak not only to members, but also to our guests—to find ways to not be satisfied with high-sounding declarations.

I think what this committee has evolved over the last 10 years is a *modus operandi*, a way of involving itself in issues where the outcome is in some ways like those in research, uncertain, and yet the members of the committee and the thousand-odd (and some of them are very odd, like myself) correspondents contribute not as professionals but as semi-amateurs, semi-pros.

But they contribute because there is a kin of collegueship that science uniquely brings about. Our colleague, Professor Mohamed, has drawn for us the horrible crimes of repression, of apartheid. In particular, I have been impressed with the fact that the overwhelming majority of the young has no access to the education that will allow them to become involved meaningfully in the life of the mind, of which science is a part.

He has brought us up short by asking us the uncomfortable question, What does scientific or academic freedom mean in a racist society? Or, for that matter, in societies in which minorities or even majorities, even South Africa, or in many countries, women, are being excluded in a most basic and radical way from the very institutions in which science lives and flourishes as one of the exquisite endeavors of humankind.

We do not need to remind ourselves, especially after what my colleague, Professor Kates, has said, of what people call the basic human needs. But if we as an academy look towards the role that science and technology is playing in changing the human environment, in changing the globe, in changing our society, can we omit the right to education both as a human need and as a human right?

Can we find, as the committee has over the past decade, a way of asserting our impact, whatever it be, in that area? I am not arguing, obviously, against what you said. Obviously, this is not the occasion to discuss the history and the alternate strategies and tactics that human rights advocates have developed in defense of those colleagues whose human rights have been violated.

And we must defend those colleagues. Who defends those who do not have the right to become colleagues? That seems to me a question that is perhaps pedagogical, others might say political, and

yet I do think that severe repression (and we have heard it) is not just imprisonment, is not just torture, is not just internal exile, is not just disappearance, but is also the fact that you do not have the opportunity to learn.

I am a physicist and therefore not really qualified to speak about that, but to me, the human curiosity, if not satisfied, is a very basic neglected human need.

So, I think if you ask this question, you have to ask yourself, have we, as a scientific community, spent enough effort in understanding its importance? These are days in which we have been overjoyed that Professor Sakharov is back in Moscow. We should not forget that he wrote, in 1968, a book that is not read as much as it deserves to be. In *Progress, Coexistence, and Intellectual Freedom*, he says: "Intellectual freedom is essential to human society, freedom to obtain and distribute information, freedom for openminded and unfearing debate, and freedom from pressure by officialdom and prejudices."

There are some political overtones in that statement.

(Laughter)

But, basically, it addresses the issue. Only a short five years ago, Sakharov said something about the worldwide character of the scientific community assuming particular importance when dealing with problems of human rights. "By its international defense of persecuted scientists, of all people whose rights have been violated, the scientific community confirms its international mandate, which is so essential for successful scientific work and for service to society."

Well, our scientific societies, be they national ones or be they international ones, come in contact with these issues all the time and especially at the present time the International Council of Scientific Unions is trying to come to some formulation that will take into account some of the things that Professor Mohamed has mentioned.

So, I am saying nothing new to you; I have a message that is much less polemical, perhaps, but I hope that it fits in with what my two colleagues have to say. Thank you.

COMMENTS

Lipman Bers

The human rights movement is sometimes accused of taking a parochial, purely "Western" approach, stressing "political" rights, like freedom of speech or freedom from arbitrary arrest and from

torture, and neglecting “social” rights, like the rights to medical care, to education, and to a job. Without denying the importance of “social” rights, I consider the criticism unjustified. A demand that a government stop torturing political prisoners can be fulfilled relatively simply. A demand that a government provide a job to every citizen is meaningless without a reasonable plan of how such a goal can be accomplished. The human rights movement cannot be expected to develop such a plan or to unite on one.

Also, historical experience shows that a government that justifies its curtailment of political rights by its overwhelming concern for social rights usually ends up by denying all rights.

Finally, I consider the idea that people of the Third World are somehow less appalled by torture or by government-sponsored murder than citizens of developed nations to be rank racism.

QUESTIONS AND ANSWERS

Gilbert White

We have heard a simple, eloquent portrayal of the life of a scientist and his family and we have had a challenge of an extension of our work in the broad realm of human rights. Now, would any of you care to comment on what has been said by way of analysis or prescription?

Lipman Bers

I know it is late and I agree with most of the things which were said today. I would like to make one observation concerning the question raised by Bob Kates about two different kinds of human rights, which I could call negative and positive rights. The right to food, to a job, to medical care, and to education are positive rights. The right not to be arbitrarily arrested, not to be tortured, not to be exiled, not to be killed for one’s opinions are negative rights. The discussion about the positive and negative rights and their relative importance occupied pages and pages in the socialist literature of the nineteenth century.

As an old social democrat—I would say an old Marxist, if the word would not have been vulgarized—I certainly recognize the importance of positive rights. Yet I think there is a good reason why the international human rights movement, of which our committee is

a small part, concentrated on negative rights. It makes sense to tell a government, "Stop torturing people." An order by the prime minister or the president or whoever is in charge could make it happen.

It makes sense to tell a foreign ambassador that, "The American scientific community is outraged that you keep Dr. X in jail. Let him out and let him do his work." It requires no planning, no political philosophy, and it can unite people with very different opinions.

It is quite a different matter to tell a foreign government, say to a government of a developing country, "You really should give this or that positive right to your people." If we make such a demand in good faith, it must be accompanied by some plan for implementing this right and by some indication of the cost and of who will pay it and how it will be paid.

These are important questions that have to be discussed, but I think it is rather unlikely that the Committee on Human Rights of the National Academy of Sciences (or even Amnesty International) will solve social problems that have bothered humanity and political thinkers for centuries, and that the human rights movement will unite on a proposed solution.

Therefore, I think that the basic emphasis on negative rights by the international human rights movement is a reasonable thing. If we want to do things beyond this and participate in organizing a social democratic party in America, I will gladly discuss this later.

(Laughter)

Gilbert White

I am not giving the panel a chance to respond to that appeal just yet.

(Laughter)

Preston Cloud, University of California, Santa Barbara

I would not presume to add to the words of wisdom that have already been spoken, but I have some questions that I would like to address to Dr. Mohamed and Dr. Kates. I think it must be saying something that Dr. Mohamed is a member of the faculty of the University of Witwatersrand.

Gilbert White

At least he was when he left.

Preston Cloud

Is there anyone in your capacity, for instance, at an Afrikaans university? What I am getting at is whether you would care to enlighten us a little on the differences between the two white groups in South Africa and what they stand for.

Then, Dr. Kates, I would ask, must we stand still for a doubling of population?

Ismail Mohamed

I can answer very briefly that there is a major difference between universities like Witwatersrand and Cape Town, on the one hand, and universities like Stellenbosch and Rand Afrikaans, on the other hand. At these latter universities, which are basically Afrikaner institutions, they did not admit black students or black staff. Black students are now accepted at postgraduate levels. But this does not mean to say that universities like the University of Witwatersrand are therefore totally enlightened.

I am going to use what the minister of education said when a law was introduced that the universities will not significantly deviate from their present student numbers which came about when they could not force the university to operate a quota system: "We will not enforce the quota system, because these universities have undertaken not to deviate significantly from the existing student numbers." This means in which blacks will not exceed 10 percent of the student body, when they do exceed 80 percent of the population.

Gilbert White

Do you have a quick response to his second question?

Robert Kates

Yes. One way to prevent doubling of population is to stand still.
(Laughter)

Elizabeth Russell, Jackson Laboratory, Bar Harbor, Maine

I would like to inquire of Dr. Mohamed whether it is still true, as stated in our program, that you are speaking within the limits of South African government restrictions?

Ismail Mohamed

I will try to answer very quickly. At the time when I came here, or before I came here, the restriction was placed on me not to participate in various kinds of activities. I entertained every idea to get back home, knowing, in fact, that there is a penalty of 10 years' imprisonment if I should call upon you to act in any kind of way against apartheid. For example, I may not urge you to adopt sanctions.

But I think the situation has moved to such an extent in South Africa where those people very clearly want me to say we applaud you for the sanctions that you implemented and we urge you to do even more. So, it is very clear that I have deviated from that initial statement that I will not go beyond the restrictions imposed on me by the South African government. More and more people are defying those restrictions.

Gilbert White

But I think I may be privileged to add, Professor Mohamed, that you say this without knowing where you will be next. Yes?

Ismail Mohamed

I do not think it would be wise on my part, really, to speculate on the consequences and where I would be next at this time. Time will tell.

Edward Anders, University of Chicago

Your institution, the University of Witwatersrand, has a very strong and impressive statement on its letterhead saying that it does not discriminate on the grounds of race. In the light of your reply to Preston Cloud, it seems that perhaps this statement should not be taken at face value. What would your advice be to those of us who occasionally get invitations from the University of Witwatersrand? Should we accept or reject them?

Ismail Mohamed

I think I have said to you that the statement I have quoted—that I could not be appointed to a position of authority over white

students and junior white lecturers—comes from the vice-chancellor of the University of Witwatersrand. The statement that I could not be appointed to teach certain courses, or I could only be appointed to teach certain courses if the head of the department could determine that nobody else with similar expertise was available also comes from the head of the Department of Mathematics at the University of the Witwatersrand.

It is true that the university has moved a long way from the stance it had taken in the 1960s. But I think it has not moved in step with the changes that blacks feel need to take place. I am therefore urging people to bring pressure to bear on those institutions for affirmative action programs.

My answer is very clear, you see. Unless the universities will admit blacks into their governing bodies or be more positive about admitting them as students and staff, I would urge people not to go to such institutions.

Gilbert White

Friends, I think we could pursue this much further and I am sorry to be obliged to close off the discussion here. Please join me in thanking Professor Mohamed and the panel.

Part 3

Human Rights and Human Survival

INTRODUCTION

Francis Low

After hearing these accounts of monstrous violations of human rights and human freedom, we turn to the shadow of thermonuclear war and ask the question, Is there a conflict between the struggle for human rights and the search for lasting peace?

Surely not. Surely a stable, peaceful world requires an absence of paranoia, it requires trust, a sharing of values that must include a universal respect for human rights. In that respect for human rights, I would include the positive rights that Dr. Kates so eloquently argued for.

Not only is there no contradiction between these two goals (the struggle for human rights and the search for peace), but they are inextricably bound together. One is not possible without the other, and we must fight for them both. The question is, of course, how we get from here to there. The panelists, I think, will address that.

Dr. Orlov will speak first. Then there will be three discussants. The first should have been Professor Victor Weisskopf, who, unfortunately, was unable to come. I have his prepared manuscript and will read it. Professor Weisskopf is institute professor emeritus at MIT, has a list of honors too long to go into—and he is my father.

(Laughter)

Next will be Paul Doty, who is the Mallinckrodt Professor of Biochemistry and director emeritus of the Center for Science and

International Affairs at the John F. Kennedy School of Harvard University.

Finally, Professor Lipman Bers is the Davies Professor Emeritus of Mathematics at Columbia and visiting professor of mathematics at the City University of New York Graduate Center. He is also past chair of this committee.

Our main speaker in this session is Yuri Orlov. He is a high-energy physicist. He was for a short time, long ago, at the Institute for Theoretical and Experimental Physics, in Moscow. He was fired from that institution for political reasons, went to Armenia, worked there, became a corresponding member of the Armenian Academy of Science, went back to Moscow, founded the Moscow Helsinki Watch Group in 1975, was arrested in 1977 and sentenced to seven years of hard labor followed by five years of internal exile.

Last September he was released and allowed to emigrate. The day of his release was a day of joy for all of us. He is now a senior scientist at the Newman Laboratory, Cornell University. We welcome him here to our academy. We welcome him warmly with admiration for his courageous struggle for human rights and with the hope and belief that that struggle will succeed.

THE SOVIET UNION, HUMAN RIGHTS, AND NATIONAL SECURITY

Yuri Orlov

Dear colleagues and friends, I will discuss some nontrivial problems about the connection between human rights, especially in the USSR, and the preservation of peace.

My point of view on human rights and peace was and is based on the Final Act of the Helsinki Conference on Security and Cooperation in Europe. Peace and security ride on the backs of three whales: disarmament, human rights, and trade.

Consider the relations among democratic countries in the West. (I include Japan in that term.) The nuclear supremacy of the United States immediately after World War II played a decisive role in establishing the current order in the Western world. But today, 40 years after that war, the United States is part of a large democratic system. Today it is hard to imagine that disagreements between Japan and the United States, or between the European Common Market and the United States, could lead to war.

Why is this true? In the first place, their mutual economic ties have become so vital for all of them that they share a stake in mutual prosperity and fear of an economic crisis in any country. (The Marxist thesis that the struggle for markets and for raw materials will inevitably lead to war among capitalist countries may have been true in the past. But it is no longer applicable, because of the intense growth of connections between their economies.)

Another reason is the much more important role public opinion plays now in matters of war and peace than it did 70 or even 40 years ago, before the exchange of ideas, information, and people became as free and extensive as it is today. Today, public opinion in the United States, Europe, and Japan would be against a war in any countries in the West.

We see, then, that the proliferation of intensive trade connections and the free flow of people, ideas, and information are effective safeguards for peace in the Western world. Thus, if undemocratic countries did not exist, the problem of nuclear disarmament could, I suspect, be easily resolved. In other words, I believe that the relations among democratic countries in the West offer a working model for international peace.

Let me now concentrate on the Soviet system. The problem of world peace and security would be significantly reduced if the USSR were an integral part of the Western world. But neither its political nor its economic system permits it to be integrated into that system. Some in the West feel we should concentrate only on questions of disarmament, since it is impossible or impractical for the West to influence internal development in the USSR. This is a serious argument; however, history has proved it wrong.

The USSR has changed in the 70 years of its existence, and since the death of Stalin it has, in general, changed for the better. Serious reforms were introduced by Khrushchev. Maybe the most serious reform with respect to the problem under consideration is that the Soviet Union has become a somewhat less closed society, that is, less hostile to the free flow of people, information, and ideas within its borders and across them. Before that, when it was a completely closed society, it was truly impossible to influence the USSR by peaceful means. But after the society became at least a bit open, it also became susceptible in some measure to external influence. And Soviet society in the course of the last 30 years has indeed become, little by little, increasingly susceptible to Western influence.

Probably the first explicit recognition in Soviet history of that influence was the acknowledgment by Ambassador Kashlev, head of the Soviet delegation to the Vienna Conference, that the existence of political prisoners in the USSR complicates the relations of the Soviet Union with the West and that this was the main reason for the future release of about 200 such prisoners (*The New York Times*, January 16, 1987).

The political dissidents have made Soviet society less closed by publicizing facts about the USSR and by having an active relationship with Western scientists, political officials, journalists, and human rights groups. Indeed, it has been an explicit aim of some dissident groups in the USSR to publicize information about Soviet society, so the West would exert constructive pressure on the Soviet government. Now the Soviet government has itself created a bit more openness by informing the West about events in the USSR and, recently, by granting visas to and from the USSR. Those changes came about because of the Soviet desire to look better to the West.

The problem of openness in Soviet society cannot be considered purely an internal affair of the Soviet Union, because it has exceptional importance for the question of international security. The more closed Soviet society has been, the more generally hostile it has tended to be to other countries. Thus, both as a part and as a result of the deliberate isolation of that society for many decades, we Soviet citizens have been educated as if we were members of a great underground organization encircled by a hostile world. Even as we have been pronouncing fine words about peace, we have always meant peace among enemies.

Soviet citizens have not and do not receive accurate information about the policies of the U. S. government and the life of American citizens. For example, they are persuaded by Soviet propaganda that if the Soviet army had not entered Afghanistan, that country would have been turned into an American military base. I have heard that opinion expressed in many conversations with Soviet people. They forget that before the Soviet invasion, a communist government ruled Afghanistan. (Unfortunately, newspaper readers in all countries have short memories.)

(Laughter)

Openness in Soviet society is not only important for international security, it is also that aspect of human rights in the USSR which is most subject to the influence of Western society. The Soviet government at the present time is exceptionally interested in the

improvement of its image in the West and in the development of scientific and technological contacts with the West. It is certain that the KGB will try to keep these contacts under its control, as it did in the past. Now, however, the situation depends on the West as well as on the KGB.

I emphasize that the USSR is now extremely interested in scientific contacts. That interest and the great interest of the West in security can form the basis for compromise and the development of a more open Soviet society. We must initiate a real campaign to encourage such openness, because if Soviet society were to become as open as the West, East-West tension would be substantially reduced and mutual security thereby increased.

I would like to make a proposal to begin that campaign—a proposal that the Soviet Union cannot reasonably object to. As you may know, in Europe exchange visits of school children among families of different countries have become common. These visits create a foundation for mutual understanding and for peaceful future relations between the countries involved. I believe we should press to have such exchange visits take place between the Soviet Union and the West. Soviet children would then, for example, be able to spend their vacations with American families and American children with Soviet families.

As for the contribution to openness that can be made by Western scientists and scholars: They can help open up Soviet society in the area of academic freedom. The aim should be to end the habit of the Soviet government and the KGB of viewing scientists as instruments of foreign policy.

The academic freedom of Soviet scientists and scholars is, I believe, an issue for academics everywhere, because scholars and, perhaps especially, scientists form an international community. Thus, for example, if Americans want to invite a particular Soviet scientist to a conference here or to send an American scientist to a conference there and the Soviet government does not give that scientist a visa, the Soviet authorities are indirectly violating the Americans' academic freedom as well as that of the Soviet scientists. If they persecute one of their scientists for his open expression of opinion, they are preventing Americans from sharing his ideas, and that is an indirect violation of their freedom.

Scientists should have complete freedom to express their opinion and complete freedom to communicate with each other without regard to frontiers. Of course, academic freedom is only freedom for an

elite, but let everyone demand openness in his own field of activity. There is no need to fear that the Soviets will refuse to enter into an agreement on scientific contacts because of American defense of academic freedom as part of human rights. Although they might try bluffing in this regard, they have much more than Americans to gain from scientific contacts.

Another aspect of openness that is important for international security is a citizen's right to receive information about the military and foreign policies of his government and to criticize the actions of his government in these areas. Soviet citizens do not have this right. Openness within a country is more dependent on a government's internal policies and is less susceptible to the pressure of international public opinion than openness in relations with other countries. But there does exist one tested means of influence—the defense of individuals persecuted and prosecuted for the criticism of their governments.

With respect to defense of such Soviet scientists, I have heard the opinion that Western scientists have no justification as scientists for defending Soviet scientists who are being persecuted for criticism of their government rather than for their scientific views. Of course, a scientist does have the right to avoid all questions other than strictly scientific ones. But it is my opinion that, in the modern world, a scientist should defend his colleagues who protest the military actions of their government. That is especially true when a Western scientist takes part in activities involving Soviet scientific organizations. Then he, himself, inevitably becomes involved in politics, since the USSR views and uses such organizations as instruments of politics.

By contrast with the Soviet Union, public opinion in the United States has sufficient power to force the government to cut short military actions in "local conflicts." Unfortunately, this takes time. I do not know what changes in American democracy are necessary for public opinion to be able to prevent rather than limit military actions. However, I know with certainty that, in the USSR, democratic control of military action is completely inadequate to the demands of international security. It is, indeed, virtually nonexistent.

The Soviets have prosecuted their citizens who have called for trust with the United States or spoken against Soviet military actions in Czechoslovakia and Afghanistan or spoken out against the Soviet part in the arms race. True, there is in the USSR a so-called official struggle for peace. For example, some Soviet physicians have been permitted to join International Physicians for the Prevention of

Nuclear War. However, I do not know of any Soviet member of that organization who has publicly criticized the nuclear arms policies of his government.

I believe many of the Soviet members are silent because, lacking information, they believe that the United States is the sole source of the arms race. Others are silent, knowing that the Soviet government would consider any criticism an intolerable attack on its image. So the Soviet participation in the physicians' organization has made no demonstrable contribution to international peace. The only effect of Soviet participation has been on the Soviet government's image in the West (as the government intended), not on its military policies.

But do Soviet military policies, in fact, deserve criticism? Of course, the Soviet government does not want a new world war. Yet it has grabbed and continues to grab and keep one country after another by military force—which, by itself, is dangerous for the future of the world. Before Afghanistan, there was Czechoslovakia in 1968 and before that, Hungary in 1956. Before that, there was the Soviet occupation of the Baltic states and the division of Poland with Nazi Germany that marked the beginning of World War II. There was also the Winter War with Finland in 1940. No, the Soviet government cannot be called peaceloving. The world will therefore benefit when the Soviet Union grants its citizens the human rights to criticize their government's military policies.

In conclusion, I want to stress that, as a first approximation, the issue of human rights is independent of the issue of disarmament. Both issues are important for the cause of peace and international security. But to me it is plain that the democratization of the USSR in the sense that I have discussed earlier—the inclusion of the USSR in the Western system of democracies—is a necessary condition for real peace and security in the world. Scientists can help achieve it.

It is difficult, but possible, and it is important. A peace based on fear cannot be stable. Thank you.

COMMENTS

Victor Weiskopf¹³

There are two obvious facts. One, human survival depends on avoiding a nuclear war between the United States and the USSR.

¹³At the last minute Dr. Weiskopf was unable to travel to Washington to present his comments at the symposium. They were read by Francis Low.

Two, human rights are severely curtailed in the USSR in spite of some recent improvements under Gorbachev, including the liberation of some well-known dissidents. There are two extreme positions that can be taken in response to these facts.

The first states that in order to avoid the nuclear holocaust, we need much better cultural, commercial, and political relations between the superpowers. To raise the human rights issue obstructs the attainment of a better understanding and should be avoided.

The second assumes that arms control or reduction of nuclear or other weapons is impossible as long as the USSR curtails human rights, since a country that does not trust its own citizens to be free is not a country that can be trusted on the international level to abide by its commitments.

I believe both positions go too far. The first one is, to some extent, disproved by recent events. The insistence of the West on criticizing violations of human rights has not diminished the eagerness of the Soviets to go on with arms control negotiations and improve relations with the West. On the contrary, it may have contributed to Gorbachev's recent release of a relatively large number of, but by far not all, dissidents. Probably part of the reason for these releases was the recognition that some progress in human rights may make the West more willing to improve relations.

The second extreme position is based on the wrong assumption that a regime will change the foundations of its stability when put under pressure by other countries. Freedom to dissent, free immigration, and the like are believed by the Soviet leadership to seriously weaken the power of the present regime. External military pressure can only reinforce this view. The policy "If you don't change your system, we will go on with the arms race" cannot be successful and would make nuclear war more probable in the future.

Some proponents of the second extreme position also argue that a totalitarian regime cannot be trusted to abide by international agreements. This is not borne out by experience. The Soviets, by and large, did abide by past treaties, apart from a few minor infringements, without much military significance.

The right position must be a compromise between the two extremes. In order to avoid war, the United States must arrive at better relations with the USSR through a mutual understanding of our problems. The security and stability of the Soviet regime is necessary for our own security. A regime that feels threatened is more dangerous than one that feels secure.

This is why we need a détente between the superpowers together with verifiable treaties preventing both sides from arriving at a significant military or political superiority. It is the right moment for détente because we have reached military parity and because both powers should be interested in a political stabilization of their relations with foreign countries where they have run into considerable difficulties.

The search for political understanding with the USSR should not prevent the West from publicizing and protesting human rights infringements. Those protests have contributed to Gorbachev's recent actions. The United States should be known all over the world as a defender of human rights. However, this is only possible if we attack with equal force the infringements of human rights in countries with totalitarian anticommunist regimes, which our government has not done so far.

Criticism and protest need not exclude collaboration in other areas such as arms control, political stabilization, environmental problems, or scientific and commercial exchanges. Such collaborations reduce the danger of military conflicts. Preventing war between the superpowers must have the highest priority, for there will be few victims to liberate after a nuclear war.

Moreover, as Sakharov has often stressed, when U.S.-Soviet relations turn from collaboration to increased confrontation, the result is always an increase in human rights violations within the Soviet Union. Our present military policy, such as the deployment of MX, the placing of missiles in Europe, and the eagerness to employ SDI as early as possible must arouse fear in the USSR of a first strike and distrust in regard to our intentions of peaceful coexistence.

An improvement of human rights in the Soviet Union may be possible, but only if fear and distrust can be dispelled. Then perhaps new leaders may come to power for whom thought control and oppression would be of less importance. But such a development takes much time and can only happen after a reasonably successful period of increasing collaboration between East and West, leading to an avoidance of crisis situations, to effective arms control, and to a common effort to counter other important threats to mankind in the environmental field.

In short, we should uncover and protest infringements of human rights in the USSR and elsewhere. At the same time, we should negotiate arms reductions and controls and avoid measures that increase fear on the other side. We must improve contacts and collaborative

projects, but make sure that the best and most productive people in the USSR are allowed to participate irrespective of their race, religion, or political inclination. But we should not insist upon human rights improvements as a condition for more peaceful relations. Thank you.

COMMENTS

Paul Doty

First, I would like to congratulate Yuri Orlov on his paper. His perception, analysis, and thoughtful suggestions for the future, all delivered without, despite what he has been through, any rancor, are a tribute to him and to all of his breed, and I appreciate it very much.

Second, I am in a somewhat delicate position because, as I told Dr. Stellar when he invited me to come, I could not pass as a human rights activist, although I share their concerns and their goals. Instead, I think I am here to represent the several dozen members of the academy who, over the years, have pursued a somewhat parallel, but much less dramatic and much less heroic and much safer, course, personally, of trying to bring about a bridge between the scientists in the Soviet Union and those here and to explore in all the ways that we could between the two sides of finding a safer world ahead, depending less and less for our security upon the enormous stockpiles of weapons that we have assembled.

This has taken the form within the academy of two different programs. In 1959, President Bronk initiated the exchange of scientists with the Soviet academy; in 1960 I became the first chair of the committee overseeing that program and carried on for several years. It has been a continuous operation and now bears the name of the Soviet-East European Affairs Program.

Over its 27 years or so, it has been handmaiden to the exchange of several thousand scientists each way. It is not possible to evaluate how much good that has done, but it created a net pool of shared interests and knowledge of each other that I think cannot but be helpful in the days and years ahead.

The second operation is that of the Committee on International Security and Arms Control, of which those of you who come hear words from us on the Sunday before each annual meeting. That committee, which began in 1980, had its origins in 1960 or before,

first with the Pugwash meetings and then with a committee operated by the American Academy of Arts and Sciences and this academy during the 1960s and 1970s, in which we carried out a number of initiatives with the Soviets.

I think, for example, that even the negotiators on both sides would say that we were an important link in the chain that led to the SALT I agreements, as an example of our efforts.

In this work, one has to deal with the people on the other side who have access to their governments or with people who are in the governments. Among this large number of Soviets that I have had to deal with, I have made many friends, despite the adherence that many of them have to government policy.

On the other hand, there are other contacts that have been anything but a labor of love. I cannot help but remember times when, breaking bread with officials of the academy of sciences or with members of the Central Committee, that I was probably talking with the same people who aided in putting Yuri Orlov in the camps. This is not a very pleasant business, and when I come home from each trip, and I will go next month for my 50th trip to Moscow, I always think of what I forgot to say at the right time, whose case I did not bring up.

So, it is a mixed bag and I do not wish to deny it, but it is a labor in which not only I, myself, but also many others in the academy, have put in an enormous effort. I think, while the results are not quantifiable and cannot be measured, we are all glad that we spent our time that way.

So, I will stop there and hope that we can have this conversation with Yuri more extensively some other time. Thank you.

COMMENTS

Lipman Bers

Ladies and gentlemen, it is late, and I will be very short. I essentially agree with most of what we have heard. In particular, I fully agree with Orlov that, in first approximation, and I would say even in second approximation, the struggle for nuclear disarmament and peace and the struggle for human rights are rather independent of each other.

I want to mention briefly a few disagreements that I may have with all the speakers. I am somewhat less optimistic. I do not believe

that the changes in Russia, which I consider very important, which I applaud and from which I expect great things, that these changes were brought about by the international scientific community. We could have helped a little, but I do not think that a superpower changes its basic policies as a result of pressure from abroad.

I do not think that every meeting between a Soviet scientist and an American scientist (or a Soviet school child and an American school child) by itself lessens the danger of war because it gives the citizens of the two countries the opportunity of knowing each other. Knowing each other never prevented people from going to war. World War I started when all European countries except for Russia were democracies. They knew each other very well. Among the most cruel wars in the history of humanity were civil wars, where the warring sides knew each other very well, indeed.

I do not believe that the interests of peace require that we pretend that things are better than they are and avoid public mention of unpleasant facts. After all, nuclear war is to be avoided not because the Soviet government, or ours, for that matter, consists of nice guys; it is to be avoided because it will certainly lead to the destruction of our civilization and may lead to the extinction of our species.

We all share the hope that nuclear weapons will never—or, more precisely, never again—be used. This hope is based on fear of these weapons, a fear which we hope is shared by those who have the power of decision. The history of the past 40 years shows that a peace based on fear is not necessarily unstable.

The main contribution scientists can make to the avoidance of war may be in explaining to their own governments and to their own people how well founded this fear of nuclear weapons is. In the United States, this must include a blunt criticism of the “Star Wars” project.

One word about scientific exchanges. I think the time has come when we may insist that the Russians adhere to certain generally accepted rules of scientific intercourse. More precisely, we may demand that at international scientific conferences invited speakers be permitted to come, no matter whether the authorities like them or not.

This is still not being done. At the last International Congress of Mathematicians in Berkeley, about half of the invited Soviet speakers showed up. In view of Gorbachev’s enlightened and courageous policy it may be the right time to say that on this we really insist.

Finally, I would like to express the gratitude and respect which we all feel toward the small and courageous group of our Russian colleagues who started this fight for human rights and for openness many years ago, when success looked very, very far away.

My friend, Valery Chalidze, a physicist and one of the founders of this movement, told me that at one time somebody there proposed a slogan, "Try to help even if you know that help is impossible." We are all in an elated mood because of what is happening in Russia, and what is happening in Argentina,¹⁴ but let us not forget how many more people in other countries need our help, including countries where the United States should have leverage.

Let us not ask whether we can help these people, let us not ask how cost effective it will be. Let us simply try to help.

QUESTIONS AND ANSWERS

Francis Low

Let me ask members of the panel, first, if they would like to comment on what has been said.

Yuri Orlov

I have a question for Lipman. Do you think that, in general, totalitarian societies that existed in the past and perhaps will continue to exist in the future are, as a type, impossible to change?

Lipman Bers

No. There was a theory that once a totalitarian—let's say a communist government is established, it is unchangeable. This was the credo of the neoconservatives. I never believed in it, and I certainly do not believe it now after what we have seen happening in Russia.

¹⁴This was said before the adoption of the legislation exempting from prosecution those believed to have acted under orders from superior military officers.

Yuri Orlov

It is the first case in Soviet history, the first official announcement of this type of Ambassador Kashlev in Vienna at the review conference. As a person who used to live in a society of the Soviet type, I can attest to the fact that this type of announcement, namely, that the West did have an effect and influence on the Soviet release of political prisoners, is extremely humiliating for the Soviet government.

I can bring forth other examples to prove my point, and I will do that, though not right now. But I think it is important to recognize it for what it is.

Lipman Bers

Oh, I did not doubt that this statement was humiliating and that it is important that the statement was made. The question, as I understood it, was did the statement give a full explanation of what happened, and to this I answered no.

Joel Lebowitz, Rutgers University

I would like to emphasize some of the points that were brought out and apply them to the practical. It seems to me there were two important points brought out here that we should take away with us.

First, in connection with particularly the first speaker from Chile, how important it is to pressure our own government, in the case of Chile, because that is really where the influence lies, but we can hope to change. I think it is absolutely essential, and also in the case of South Africa.

In the case of the Soviet Union, and to some extent, also, in the case of all places in the world where oppression takes places, members of this academy, their guests, and their colleagues are invited to go, as we have already heard, to conferences and many times they go to conferences.

It is very, very crucial, it seems to me, that if they do not go to such meetings in a particular country because of human rights abuses, that they should be very clear in expressing that. If they go anyway, it is even doubly important that they make sure that they do get in contact with the victims of human rights abuses.

Even more specifically, what Professor Bers has said, we can demand from the Soviets to permit their scientists to come to conferences here. We certainly can demand, and should demand, that when we go to the Soviet Union and to other countries, that we may have contact with all scientists there.

I think the committee over here, Dr. Stellar and Carol Corillon, could be very helpful to members of the academy in supplying them with information of whom to go to visit, and I very much hope that this is one of the consequences of this session. People will become aware of it, and if they know colleagues who are going to such places, they will take that into account.

I should just mention one final thing, that as Professor Bers said, the situation is not all rosy. At the present time, there are many, many people in the Soviet Union, in particular—well, there are many, many people in jails in South Africa and in jails in Chile, a terrible situation—but I understand, even in the Soviet Union, some of the people who have been released from jail are on hunger strike in some of the intermediate centers, because it is still not settled what kinds of statements they must sign agreeing that they will behave.

Also, very many long-time “refuseniks” are on hunger strikes because they are afraid that if they do not get permission to leave now, they may never get it. So, the situation is far from perfect, and we have a lot to do to improve it.

Eliot Stellar

May I just take advantage of Joel Lebowitz’s comment and point out that the Committee on Human Rights does have information on dissidents and refuseniks in the Soviet Union for any of those of you who are planning to visit.

Walter Kohn, University of California, Santa Barbara

I am addressing my friend, Lipman Bers. Lipman Bers took exception to some remarks made at the table, including suggestions, I believe, by Professor Orlov, so now I would like to take some exception to the position taken by Lipman Bers.

It has to do with his judgment of the utility or absence of utility of openness or of mutual knowledge. Since he is a mathematician, perhaps I will put it imprecisely in mathematical terms. Certainly, openness is not a sufficient condition or mutual knowledge is not a sufficient condition for avoiding war.

On the other hand, particularly in the specific present situation, where the main threat to peace is the confrontation between the two superpowers, I think increased mutual knowledge and an increased openness are, in the long run, at least a necessary condition for eventual disarmament and a long-term solution.

I remember a position Niels Bohr took when I was a postdoc in Copenhagen. He argued that the scientists, because they are an international community, a community that naturally, because of their common interests, transcends national boundaries, have an obligation and an opportunity to be in the forefront of establishing that openness which he felt was needed much more broadly, but where scientists had special qualifications.

Lipman Bers

I did not express myself clearly. Of course, openness is very important, and everything should be done to foster it. I was talking about something else; the code word used to be “quiet diplomacy.” Two elderly gentlemen, both distinguished in their own country, meet, show to each other the pictures of their grandchildren, point out that in each country there are militarists. We have them and you have them, and reasonable people must support each other, and “Oh yes, Sakharov wasn’t careful enough and you will not do him any good by making too much fuss about it.” Nothing of this is made public and then people say, “Well, we established a relationship.”

I was referring to this attitude. I would not say a word against openness.

E-An Zen, U.S. Geological Survey

I would like to echo the comments of the two previous questioners. I think it is incumbent upon us to maintain open channels of communication, however distasteful the political institution may be in a particular country. It is up to us to help our colleagues to keep things open, because if we do not, we do not communicate with them, we hurt them, and we hurt ourselves, and we go against the basic rule of open science.

If we communicate with them, we also could help to keep a channel of communication open for those who are repressed. Last of all, let us not act in such a way that we appear sanctimonious.

Yuri Orlov

I would like to say, first of all, when you come into contact with Soviet official organizations, you are not having contact primarily with scientists, but rather with government officials. It is an illusion that you are having free communication with scientists; it is pure illusion.

For example, when I was young and a young scientist was sent abroad, he had to agree, as a precondition for being allowed to go abroad, that he would fulfill what was essentially a spy mission. I know that such problems also exist in the United States, but certainly not to the same degree.

Certainly things have become a bit better in the Soviet Union as well. Nevertheless, I think it is important to remind you that when scientists are sent here, as a rule they represent very specific kinds of people and kinds of institutions. What I am saying is that contact should become more free. How do you define free contact if you invite a specific person and that person is not sent? That is not a free contact.

Francis Low

Professor Stellar is going to make a few final comments. Before he does, I think that we owe him a real vote of thanks for this wonderful afternoon, and also Carol Corillon and the staff who work with her.

CLOSING REMARKS

Eliot Stellar

In closing, I would like to invite Professor González and Professor Mohamed to come to the podium and join Dr. Orlov.

Colleagues, we all know that it takes dedication to be a human rights activist in the United States. It takes that same dedication, and more, to be a human rights activist in Chile, South Africa, and the Soviet Union, and in many other countries around the world. But it takes tremendous personal courage and strength and conviction to fight openly for human rights in those countries.

In appreciation of these brave qualities, for sharing your thoughts and concerns and hopes with us here today, I would like to present each of you with this engraved medallion of the academy in addition to our heartfelt thanks.

Now, while you are still standing and still here, I can think of no better way to end this meeting than to quote from a passage about victims of oppression from the speech made by another human rights activist, Elie Weisel, when he accepted the 1986 Nobel Peace Prize:

What all these victims need, above all, is to know that they are not alone, that we are not forgetting them, that when their voices are stifled, we shall lend them ours, that while their freedom depends on ours, the quality of our freedom depends on theirs.

Appendix A

Affiliations of Participants

SPEAKERS

Juan Luis González is a surgeon and president of the independent Medical Association of Chile (Colegio Médico de Chile). He has been a leader and spokesman for the many Chilean physicians who have actively and courageously condemned the widespread use of torture in Chile and has testified before the U.S. Congress on torture in Chile. Dr. González received the Scientific Freedom and Responsibility Award from the American Association for the Advancement of Science. He was president of the National Civic Assembly in Chile, which called for a work stoppage to protest human rights abuses and press for return to a Chilean democracy. Dr. González was arrested in July 1986 and charged with "violating Chile's state security laws." He was released on bail in mid-August and acquitted in January 1987.

Ismail Mohamed is an algebraist and associate professor of mathematics, University of Witwatersrand. At the time of the symposium, he was on sabbatical at the City College of the City University of New York. Dr. Mohamed is vice-president of the Transvaal United Democratic Front and a founding member of the Detainees' Parents Support Committee, both of which, along with 15 other organizations, were placed under severe restrictions by the government of South Africa on February 24, 1988. An outspoken opponent of apartheid, he has been subjected to detention without trial for political reasons on several occasions. His latest arrest was in February

1985 when he was charged with high treason, a capital offense. Dr. Mohamed was not released until early December of that year, when all charges against him were dropped.

Yuri Orlov is a high-energy physicist and a senior scientist at the Newman Laboratory, Cornell University. Early in his career he was employed at the Institute of Theoretical and Experimental Physics of the USSR Academy of Sciences but was dismissed for political reasons. He was a corresponding member of the Armenian Academy of Sciences. In 1975 Dr. Orlov became a founding member and chair of the Moscow Helsinki Monitoring Group. He was arrested in February 1977 on charges of "anti-Soviet agitation and propaganda" and was sentenced to seven years' strict-regime labor camp and five years' internal exile. Dr. Orlov was released from exile in Siberia at the end of September 1986 and arrived in the United States a week later. He was cowinner of the 1986 International Human Rights Award from the Jimmy Carter Presidential Center.

DISCUSSANTS

Lipman Bers is former chair, Committee on Human Rights; Davies Professor Emeritus of Mathematics, Columbia University; visiting professor of mathematics at the City University of New York Graduate Center.

Carol Corillon is director, Committee on Human Rights, National Academy of Sciences, and Committee on Health and Human Rights, Institute of Medicine.

Gerard Debreu is professor of economics and mathematics, University of California at Berkeley; 1983 Nobel Prize laureate.

Paul Doty is Mallinckrodt Professor of Biochemistry and director emeritus, Center for Science and International Affairs, Harvard University.

William Gordon is foreign secretary, National Academy of Sciences; Distinguished Professor Emeritus, Space Physics, Rice University.

M. Alfred Haynes is professor, Department of Community Medicine, and former dean and president, Charles R. Drew Postgraduate Medical School, Los Angeles.

Robert Kates is former chair, Committee on Human Rights; university professor and director, Alan Shawn Feinstein World Hunger Program, Brown University.

Francis Low is institute professor, Department of Physics, Massachusetts Institute of Technology.

Helen Ranney is chair, Department of Medicine, University of California at San Diego; Distinguished Physician, Veterans Administration Medical Center, La Jolla, California.

Walter Rosenblith is former foreign secretary, National Academy of Sciences; vice-president, International Council of Scientific Unions; institute professor emeritus, Massachusetts Institute of Technology.

Albert Solnit is Sterling Professor of Pediatrics and Psychology, Child Study Center, Yale University.

Eliot Stellar is chair, Committee on Human Rights; president, American Philosophical Society; professor of physiological psychology, Institute of Neurological Sciences and Department of Anatomy, University of Pennsylvania.

Victor Weiskopf is institute professor emeritus, Department of Physics, Massachusetts Institute of Technology.

Gilbert White is Gustavson Distinguished Professor Emeritus, Institute of Behavioral Science, University of Colorado; foreign member, Soviet Academy of Sciences.

Appendix B

Mandates, Committee on Human Rights and Committee on Health and Human Rights

COMMITTEE ON HUMAN RIGHTS

The National Academy of Sciences' Committee on Human Rights (CHR) was created in 1976 in response to increased concern by academy members over repression of scientists in many areas of the world. The committee's membership includes voting representation from the National Academy of Engineering (NAE), the Institute of Medicine (IOM), and the National Academy of Sciences. Eight members are from the academy, two are from the NAE, and two members and an adviser are from the IOM.

The committee's inquiries and appeals are based on principles set forth in the United Nations Declaration of Human Rights, a declaration that has been adopted by the UN member states. It proclaims certain common standards of human rights for all peoples—standards that include the right to life, liberty, and security of person; to freedom from torture and arbitrary detention; to a fair and public hearing by an independent and impartial tribunal; and to freedom of speech, conscience, and religion.

Though the committee's concern is for all victims of abuses of human rights, the focus of its work is on scientists, engineers, and health professionals believed to be victims of severe repression. The committee only undertakes cases of colleagues who, to the best of its knowledge, have not used or advocated violence.

The committee undertakes cases of scientific colleagues anywhere in the world. In the past it has worked on cases in several dozen countries, including Chile, Czechoslovakia, Guatemala, Iraq, Kenya,

Morocco, the Philippines, South Africa, the Soviet Union, Vietnam, and Zaire.

COMMITTEE ON HEALTH AND HUMAN RIGHTS

The Institute of Medicine was chartered by the National Academy of Sciences in 1970. Its approximately 460 active members are elected on the basis of their professional achievement and serve without compensation in the conduct of studies, conferences, and other IOM inquiries into matters of national policy for health.

The Committee on Health and Human Rights (CHHR) of the Institute of Medicine of the National Academy of Sciences was created in 1987 at the request of the IOM council. The committee focuses its efforts on health-related human rights issues. Its concerns include, but are not limited to, torture, incarceration of health professionals without due process, collusion of health professionals in torture, abuses of psychiatry and other medical knowledge for political purposes, breach of confidentiality and falsification of medical information, and other unethical medical practices involving prisoners or people in detention.

The CHHR works to identify such practices through scholarly work and research; to increase public and professional awareness (through periodic meetings, workshops, and conferences); to use the prestige of the IOM to bring pressure to bear on the abusers (through appeals, inquiries, and visits or missions to countries); and to support and defend health professionals and groups that work to combat abuses of human rights.

The CHHR is currently composed of seven members of the IOM and is directly responsible to the IOM council. The committee is funded by the IOM and has part-time staff support.

Appendix C

Organization of a Human Rights Committee

Over the years, as the activities of the Committee on Human Rights have become better known, and particularly following the symposium, the committee has received requests for help, advice, and cooperation from other scientific societies, human rights groups, individual activists, and academies of science abroad.

The committee has been pleased to receive these requests. Although it does not establish formal links with other groups, it has been anxious to cooperate with them and to help them create committees of their own.

Many of the questions from organizations interested in human rights, or in the case of a particular colleague, have been about how to organize a human rights committee, be it international, national or institutional, and what kinds of action could and should be taken on a specific issue or in behalf of a particular individual. To help answer such questions for readers of this report, some of the issues and actions to be considered in the development of a human rights committee are presented here.

I. THE MANDATE OR TERMS OF REFERENCE

A mandate cannot be decided upon until many of the issues listed here and others are considered. A mandate must be narrow enough to be manageable and broad enough to allow for some flexibility in the scope of the committee's work.

It should be a formal, written statement that can then be used to introduce the work of the committee and to resolve discussion

over whether specific issues or actions fall within the purview of the committee. (Most human rights groups use the United Nations Universal Declaration of Human Rights as the basis for their activities.) The mandate should probably be reviewed and, if necessary, revised at least every three years.

Considerations in developing a focus for a committee's work include whether work will be done on individual cases and/or selected human rights issues or both. Section I presents information on these two options. Section II looks at committee functions. Section III identifies specific actions that can be taken. Section IV discusses briefly how the work can be funded.

Individual Cases

Individual cases involve a focus on human rights protection—the identification of victims and efforts to end the repression to which these individuals are subjected. There are many types of repression against individuals. A small committee cannot undertake all of the cases that come to its attention no matter how reprehensible. Human rights groups often choose to focus on cases of colleagues.

The committee has always taken the position that once it undertakes a case, it will persevere until the case is resolved. Cases undertaken cannot be selected in an arbitrary manner. Decisions must be made from the outset as to which cases and what types of repression will be the focus of a particular group. The importance of maintaining a good geographic and political balance and impartiality cannot be stressed enough.

Types of Cases

What population group or groups will be considered—men, women, children? Will the scope be worldwide or limited to a specific geographic region or regions? Will the committee select its cases by profession, religion, ethnic group, or other category?

Types of Repression

Individuals are often subjected to repression for religious, political, or racial reasons. The more serious types of repression include the following.

Detention Torture and cruel, inhuman, or degrading treatment or punishment often occurs when individuals are being held in detention, usually unacknowledged detention. Immediate intervention, within 24 to 48 hours, is essential. Some individuals are held in indefinite detention, without trial, for years. Appeals must continue to be made for the prisoner to be brought to trial or released unconditionally.

Imprisonment Appeals for those who have been sentenced to prison terms are usually made in behalf of prisoners of conscience. (Amnesty International described prisoners of conscience as “men and women detained anywhere for their beliefs, color, sex, ethnic origin, language, or religion.” They cannot have used or advocated violence.) In addition to immediate and unconditional release, appeals also often raise issues about the prisoner’s conditions of confinement and state of health and whether access to lawyers, physicians, and family members is allowed.

Disappearance Amnesty International considers that a person has “disappeared” when there are grounds to believe that that person has been taken into custody by the authorities or with their connivance; the authorities deny that the person is in their custody or the custody of their agent; and there are reasonable grounds to disbelieve the denial. Immediate intervention by a committee can help save the life of the person who has disappeared. Often, however, such cases come to the attention of a committee when the person is presumed dead, but whose body has never been found. In such cases, appeals are based on requests that an investigation into the disappearance be undertaken and that those believed responsible be brought to justice.

Internal Exile Individuals banished to internal exile are generally restricted to the town or village to which they are sent and are required to report regularly to the local police. Visits from family members and friends are often restricted. Action can take the form of appeals for release from exile, family visits, and permission to receive letters, books, food, and clothing parcels.

Forced Exile Some individuals are forcibly exiled from their countries; others leave of their own volition, but are not permitted to return. Action generally involves efforts to gain permission for the exiled individuals to return to their country and their careers.

Torture Torture is defined and discussed in considerable detail on pages 21-28. Efforts in behalf of individuals who have been subjected

to torture can include strong denunciations of the government involved and appeals that the torture victim be examined and treated by an independent physician. Support can also be extended to examination, treatment, and rehabilitation of the torture survivor.

Medical Neglect in Prison Medical neglect often occurs through incompetence, as an effort to punish the prisoner, or because of shortages of skilled medical practitioners. Committee actions can include appeals that medical assistance be provided, that independent medical professionals be permitted to examine the prisoner, and that prison conditions be improved.

Abuses of Academic Freedom Abuses of academic freedom can include such issues as revocation of academic degrees, lack of academic autonomy, restrictions on academic curriculum for ideological and political reasons, selection of university administrators on the basis of political allegiance rather than academic and professional qualifications, and hiring, firing, and awarding of academic scholarships on political grounds. This is a difficult area in which to become involved because often it is not possible to ascertain, with a reasonable degree of certainty, which cases involve actual abuses.

Selected Human Rights Issues

Human rights issues are many and varied and overlapping. Many are subject to dispute about whether they are human rights issues or economic, social, development, or health issues, for example. When the focus of a committee's work is issue oriented rather than case oriented, the objective tends to be more toward human rights promotion, rather than human rights protection.

Presented here are examples of some of the issues that, in the minds of many scholars, have human rights components:

- torture and cruel, inhuman, or degrading treatment or punishment of prisoners,
- psychiatric abuse for political purposes,
- death penalty,
- prison conditions,
- unethical medical or scientific experimentation on human subjects,
- restrictions on freedom of movement,
- restrictions on civil and political rights,
- restrictions on social, economic, and cultural rights,

- right to a fair and expedient trial,
- mutilation as punishment.

Some of these issues are discussed in more detail in the report section of this book.

II. THE FUNCTIONS

Committee Structure

The most important traits of those involved with committee work are a strong commitment to human rights, impartiality and evenhandedness, a willingness to speak out wherever and whenever abuses occur, ability to work within an institutional framework, and an understanding that the victim's well-being must always be the foremost consideration.

Committee Members

Size A committee of between 7 and 14 members seems reasonable.

Composition Members with medical, legal, civil, political, and international backgrounds (Asia, Latin America, Africa, Eastern Europe, and USSR), as well as women and minorities, should be included. Individuals who carry personal prestige can help open doors and give more weight to a committee's actions than individuals who are unknown. Members serve on a voluntary basis.

Communication At least two meetings should be held per year. Other options include newsletters, newsclips, teleconferences, and annual reports, among others.

Committee Staff Staff should have good knowledge of geography and political science. They can be salaried, volunteer, student interns, or a combination. Continuity is what is important.

Volunteer Network Members of the organization can be invited to support the committee's work by writing inquiries and appeals in behalf of colleagues who are victims of repression. (The Committee on Human Rights has established such a network of "correspondents" by inviting newly elected members of the academy, NAE, and IOM each year to actively support the committee's work. They are asked to return a postcard and are then sent information several times a year about cases that require urgent attention and are asked to write appeals.)

Information Gathering

Information is available from a wide variety of sources: publications (newspapers, journals, human rights bulletins), human rights organizations, on-site research visits, high-level delegations to countries and their embassies, personal contacts in repressive countries, and government organizations at home and abroad.

III. ACTIONS

Actions taken are generally linked to international human rights law, regional instruments, and the offending government's laws and constitution. Various actions may be taken.

- Private requests can be made for information on cases or issues (letter, telephone, telegram, in person) from representatives of governments involved, lawyers, professional associations, and human rights groups, among others.

- Private appeals are appropriate to the government involved. (For a checklist of possible courses of action and examples of model communications, see *Guide to International Human Rights Practice*, Hurst Hannum, editor, International Human rights Law Group, University of Pennsylvania Press, Philadelphia, 1984, pp. 288–294.)

- Letters of support may be written to victims and their families.

- Private requests may be made to others to support the committee's efforts on particular cases or issues. Contacts include professional colleagues, members of Congress, government officials, and individuals with influence on or knowledge of the governments in focus, among others.

- Private or public missions of inquiry may be initiated. (For specific guidelines on conducting such missions of inquiry, see "Fact-Finding by International Nongovernmental Human Rights Organizations," by David Weissbrodt and James McCarthy, *Virginia Journal of International Law*, Vol. 22, No. 1, Fall 1981.)

- Complaints and communications to intergovernmental organizations may be made.

- Reports, press releases, conferences, proceedings, and statements can be sent to the press. Interviews with the press, congressional testimony, and speaking engagements are effective ways of increasing awareness.

IV. FINANCIAL CONSIDERATIONS

Ideally, the committee would receive its operating funds from its sponsoring organization. However, if this is not possible, to protect the independence of the committee, its funds should come from contributions from organization members, private foundations, or donations from impartial individuals.

