

# CAN THE CLINICALLY DISASSOCIATED GIVE INFORMED CONSENT?

A Kantian and Bok-based ethical analysis of privacy issues relating to the drug-addicted and mentally ill subjects of “Intervention.”

Emily W. Sussman  
4.15.09

## i) CASE DESCRIPTION

The narrative of A&E’s reality series “Intervention” is consistent from week to week. There is the opening disclaimer that the subjects of the show have given consent to appear in a film about addiction. There is the opening shot of the drugged-out subject blinking uncomfortably in the studio’s bright lights as he is instructed to spell out his name. And there are, in the words of *New York Times* television critic Virginia Heffernan, “the gruesome histories, the sores, the rosacea, the needles.”

Before the first commercial break, we see the tender 5-minute photo montage of the addict in her full youth and beauty. We meet the friends, parents, sons and daughters (some barely old enough for kindergarten) who weep throughout the second segment as they recount the descent of the caring parent, the bright, talented person who could have been. We will attend the pre-intervention meeting at which family members make lists of all their enabling, codependent behaviors that will vanish if the addict refuses treatment. Then — at long last — there is the climax: interventionist Jeff VanVonderen’s verbatim opening words to each of the stunned addicts who stumble into a hotel room filled with long-alienated friends and family: “I see a bunch of people who love you like crazy and are scared to death they’re gonna lose you.” (The phrase

has become the hallmark of the show, with fans boasting on social network sites that they chug alcohol whenever VanVonderen utters those words.)

Another of the show's trademarks is to portray its addicts as fallen angels. There is the former White House intern who steals intravenous opiates from her dying father; the sad-sack, formerly vibrant middle-aged woman who drinks five bottles of white wine a day; the homeless former Olympian bicyclist who preys on older women for crack money; the meth-addicted former clergyman who was molested as a child; and, most memorably, the well-to-do liberal arts dropout who inhales several full cans of computer duster chemicals each day.

Currently in its eighth season of production, "Intervention" premiered on March 6, 2005 on the basic-cable network A&E, which has a reach of 96 million viewers. The program was the most representative of A&E's well-publicized effort to go from staid programming ("Biography") to to "edgier" — i.e., could-never-be-mistaken-for-PBS — content. The strategy worked ratings magic for the network. By 2008, the season six premiere was the most popular entertainment program (excluding sports) on cable among adults 18-54.

The show got plenty of industry praise as well, garnering an Emmy nomination for Outstanding Reality Program that year, as well as winning the Prism Award three times over. Its goodwill efforts were buzzed about in the media ("Intervention" pays for its hundreds of addicts to spend three months in inpatient rehab by means of a publicity agreement with the facilities, and last year, A&E partnered with government agencies and non-profit organizations to launch the Recovery Project, a "multi-platform initiative"

to help raise public awareness that effective treatment and long-term recovery is possible).

Then there are the dubiously credible statements from Sam Mettler, the show's creator and executive producer. "The addicts do our show out of altruism -- they truly want to help other people by sharing their stories." Mettler added that he "wasn't going to stand by and have someone who is drunk get behind the wheel of a car and kill someone," — odd, given that the reporter had asked about a recent episode in which the show's crew offered only feeble resistance when Pam, an alcoholic, decided to go for a drive one afternoon during taping. (Before she left, she took a generous slug of vodka — on top of the liquor she'd already consumed that day.) Off she went in her little green Ford, weaving a bit as she barreled down the thoroughfare.

In addition to accusing the show of negligence for not stopping Pam (who did not in fact end up hurting herself or any others that day), critics began to speculate that the producers were "coercing" addicts into signing the consent form, arguing that the deeply troubled and disassociated subjects were not capable of grasping the privacy violation inherent in permitting a major television station to broadcast them shooting meth, slashing themselves with razors, or gorging on a jar of peanut butter while squatting nude in a closet.

Matthew Gilbert, a columnist at the *Boston Globe*, commented that "Intervention,"

*the latest trend in faux reality philanthropy, ranks as one of the rankest. On the surface, it's a benevolent effort to reveal the power and beauty of interventions, which find loved ones confronting an addict about his problem and instantly removing him to rehab. But underneath the charitable veneer, the show is about watching broken addicts destroy themselves. No amount of inspirational reality TV can justify that kind of trick.*



(Source: *Peters*, NYtimes.com)

And yet there are the rabid fans: 1,731 Twitter followers, 1,813 MySpace friends being small potatoes compared to the whopping 8,454 over on Facebook. Below is a sample of comments on the show's "pages" on these sites:

- *I turned on Intervention as I do every Monday and I saw a woman who looked*

*familiar, so as I kept watching I realized that the woman was my boss's fiancée and that the Intervention was for her mother*

- *A great reminder of how human we all are...and an inspirational tool about the power of redemption!*
- *This show is one of the best on tv*
- *I know what it's like to struggle with self-injury. I know what other things, like pills and alcohol are like, but self-injury is a major addiction for me...*
- *I felt bad for Cristy because she was craazy. But you realize that's the drugs that do that and make them the way they are.*
- *It seems weird to mention who my favorite addicts are. Maybe favorite subjects is better?*
- *my future is saved ... thanks good for this program..*
- *Lawrence DIED? i fell asleep in the middle of the episode...:(:(*
- *allison aka duster girl- she was a nut.*
- *Allison really left quite an impression on me. I'm haunted by the image of her sobbing "I just want a dad!" immediately followed by a hit of duster. It was comical, but it really broke my heart.*
- *HOLY SHIT THAT IS HILARIOUS. (Allison again). Once I realized they edited all of that together, I couldn't stop laughing. At least she has a hot body, I need to start watching Intervention while drinking a beer. j/k.*

## ii) ETHICAL ASSESSMENT: EMPLOYING KANT'S ETHICAL THEORY AND BOK'S JUSTIFICATION MODEL

I was astounded to discover—in one of the very last articles I looked at, no less—that *Business Week* columnist-ethicist Bruce Weinstein had already “solved” the case. Sort of. It’s clear that his condemnation of A&E is based on the categorical imperative of “do no harm” posited by Immanuel Kant, but he doesn’t use fellow philosopher Sissela Bok’s justification model to propose how anyone would know what the ethical route was otherwise. He issues the very Kantian opinion that “Intervention” uses its subjects as a means to an end (high ratings), sacrificing the subjects’ inalienable right to privacy and safety in the process.

That said, Weinstein notes, A&E has never been sued for its (in)actions relating to the taping of “Intervention.” *But how could that be?* puzzled viewers were asking themselves on the program’s virtual discussion boards, having just been privy to Ryan, the preppie who shoots heroin with re-used syringes in grimy restrooms; Pam, who defiantly gets behind the wheel drunk; and Lorrie, who causes her children to sob with panic whenever she collapses on her living room rug in a fog of prescription tranquilizers.

When he posed this question to David Sternbach, A&E’s counsel for litigation and intellectual property matters, Weinstein was told that “the law in the United States doesn’t require you to step in and save people,” nor did it require witnesses to stop an illegal activity in the works. (To this end, executive producer Sam Mettler was fond of saying that “this is [the addict’s] life, with me or without me,” )

But Weinstein is not convinced, echoing Kant's view that the task of ethical deliberation is established by means of rationality, *not* legal precedent. In the context of his concept of the categorical imperative, this meant never risking harm to others by treating them as a means to an end. (In this case, such "ends" would include ratings dollars, free rehab and an entertained audience.)

In a chapter titled "Lies Protecting Peers and Clients," Bok argues that autonomy is a necessary condition of privacy. Lacking privacy, no one could safeguard themselves against large-scale ridicule or contempt.

*To be a member of the human race is to care for what transpires in the world around us. It is hard to imagine how any law could demand that we care for strangers or require punishment if we don't...We should reject those rules which, if universalised, would produce a state of affairs utterly objectionable to all rational people.*

In her 1978 book *Lying: Moral Choice in Public and Private Life*, philosopher Sissela Bok argues that the first stage in carrying out the three-part task of ethical deliberation — i.e., justification— is for the moral actor in question (in this case, Sam Mettler or David Sternbach) to consult his conscience, keeping in mind that he would have to defend his decisions to "a public assembly, a jury or a television audience." Next, he should consult experts (addiction counselors, perhaps) about whether there might be alternatives to telling or abetting the lie. And finally, he must conduct a public dialogue with the stakeholders (the addict's family; perhaps even the television viewing audience) to solicit feedback and build some sort of consensus.

## POST-SCRIPT

In the event this case study is considered for academic publication, I plan to conduct phone and/or in-person interviews with people who meet any of the following criteria: past “Intervention” subjects; “Intervention” creator and executive producer **Sam TKTK**; past or present “Intervention” crew members; the program’s on-air staff of professional interventionists (i.e., Candy Finnegan, Jeff VanVonderen and/or Ken Seeley); professional interventionists not affiliated with the program; licensed addiction care providers (M.D. or otherwise); casual and regular viewers of the program (as identified by “Intervention”-oriented web groups; and documentary filmmakers not affiliated with the program.

## BIBLIOGRAPHY

A&E Network, “A&E NETWORK'S AWARD-WINNING DOCUMENTARY SERIES INTERVENTION RETURNS FOR A FIFTH SEASON ON MONDAY, JUNE 16,” published 6.3.08. Accessed 4.10.09 at <http://www.thefutoncritic.com/news.aspx?id=20080603aande01>

“A&E Network Presents INTERVENTION: AFTER TREATMENT.” Published 9.2.08. Accessed 4.13.09 at <http://www.aetv.com/news/?id=360408>.

“Addicted to Intervention, ae.tv: Facebook Fan Club Group,” Accessed 4.14.09 at <http://www.facebook.com/group.php?gid=27315520807>

Benvenuti, Laurie (2008). “Designated Drivers are Not as Necessary As They Used to Be,” Paper written for the University of Southern Mississippi. Accessed 4.12.09 at <http://74.125.95.132/search?q=cache:PnNKLoIhemUJ:ocean.otr.usm.edu/~w305717/BusEth/Paper/Benvenuttipaper.doc+intervention+television+documentary+ethic&cd=29&hl=en&ct=clnk&gl=us&client=firefox-a>

8th Annual Conference for New England Drug Court Judges, Professionals: June 27, 2008.” Accessed 4.10.09 at

<http://74.125.95.132/search?q=cache:X52rkYTKbXkJ:www.jointogether.org/news/yourturn/announcements/2008/8th-annual-conference-for-new.html+sam+mettler+intervention&cd=101&hl=en&ct=clnk&gl=us&client=firefox-a>

Bok, Sissela. *Lying: Moral Choice in Public and Private Life*. New York: Vintage Books, 1978.

Boleyn-Fitzgerald, Patrick. "An Egalitarian Justification of Medical Privacy." In *Privacy and Health Care*, ed. Humber, James M. and Robert F. Almeder. New York: Humana Press, 2001.

Christians, Clifford G., Mark Fackler, Kathy Brittain McKee, Peggy J. Kreshel and Robert H. Woods, Jr. *Media Ethics: Cases and Moral Reasoning, Eighth Edition*. Boston: Pearson, 2009,

"cristylovesyou: Twitter Page (<http://twitter.com/christylovesyou>)

Emecz, Paul. "Kant: Applied Ethics." Accessed 4.10.09 at <http://www.rsrevision.com/Alevel/ethics/kant/applied.htm>

Fenno, Christine. "Get hooked on A&E's 'Intervention'." 12.5.07. Accessed 4.12.09 at <http://popwatch.ew.com/popwatch/2007/12/the-addictive-a.html>

Fox, Dylan. "Examining Addiction on A&E's 'Intervention'" Published 2.1.08, accessed 4.9.09 on <http://GayWired.com>

Friedman, Emily. "'Intervention' trades Free Treatment for Addicts." Published 2.18.2008. Accessed 4.12.09 at <http://www.addictioninfo.org/articles/2243/1/Intervention-Trades-Free-Treatment-for-Addicts-Stories/Page1.html>

Frutkin, A.J. "Art Takes A Hit." *Brandweek*, 4.4.05. Accessed 4.9.09 at <http://www.allbusiness.com/marketing-advertising/branding-brand-development/4694303-1.html>

Hale, Mike. "Still Buddies: 2 Guys With One Name," Published 7.28.07. *The New York Times*. Accessed 4.14.09 at <http://www.nytimes.com/2007/07/28/arts/television/28hale.html>

Heffernan, Virginia. "Confronting a Crystal Meth Head Who Is Handy With a Chainsaw." *The New York Times*, published 8.10.07. Accessed 4.12.09 at <http://movies.nytimes.com/2007/08/10/arts/television/10inte.html>

<http://ask.metafilter.com/81699/What-are-the-legal-ramifications-for-the-crew-members-of-AampEs-Intervention>

Humber, James M. and Robert F. Almeder. *Privacy and Health Care*. New York: Humana Press, 2001.

“Intervention on A&E: Facebook Fan Page,” accessed 4.12.09 at <http://www.facebook.com/pages/Intervention-on-AE/8770211279>

“Discussion Board Topic: Favorite addicts.” Accessed 4.14.09 at <http://www.facebook.com/pages/Intervention-on-AE/8770211279#/topic.php?uid=8770211279&topic=4624>

“Intervention on A&E: MySpace.” Accessed 4.12.09 at <http://www.myspace.com/intervenhelp>

“interventionTV, Twitter” Accessed 4.12.09 at <http://twitter.com/interventiontv>

Jay, Robin. “Meet A&E Network’s Interventionist Candy Finnigan.” Accessed 4.13.09 at <http://bhcjournal.com/News/SpecialFeatures/tabid/252/Default.aspx?ArticleId=7643>

Lowry, Brian. “Television Review: Intervention.” Mar. 2, 2005, 2:58pm PT. Accessed 4.9.09 at [http://www.variety.com/awardcentral\\_review/VE1117926412.html?nav=reviews07&categoryid=1986&cs=1](http://www.variety.com/awardcentral_review/VE1117926412.html?nav=reviews07&categoryid=1986&cs=1)

“Meet Allison A&E Intervention (Addicted to Inhalants). Accessed 4.9.09 at <http://www.shaboody.com/2009/04/14/meet-allison-ae-intervention-addicted-to-inhalants.php> referencing video at <http://www.youtube.com/watch?v=aLz8Bf2l4E0>

Peters, Jeremy W. “When Reality TV Gets Too Real.” *The New York Times*. Published October 8, 2007. Accessed 4.9.09 at <http://www.nytimes.com/2007/10/08/business/media/08reality.html?n=Top/Reference/Times%20Topics/Subjects/A/Alcohol%20Abuse>

Sneed, Christine. “Campus Editors Confront The Holocaust Controversy.” *Journal of Mass Media Ethics*: 8(3), September 1993, pp. 168 - 181.