OFFICE OF IMPROBABLE JURISDICTION

EXPERIMENTAL INTELLIGENCE AND AUTONOMOUS PERSONS REVIEW BOARD

NIMH-ERB-005

THE LITERARY JENNER

On Institutional Dissent, Departure, and the Limits of Collective Authority

An Institutional Inquiry into Political Disagreement, Voluntary Separation, Competing Conceptions of Freedom, and the Evidentiary Consequences of an Unconfirmed Death

Issuing Authority: Office of Improbable Jurisdiction
Reviewing Body: Experimental Intelligence and Autonomous Persons Review Board
Docket: NIMH-ERB-005
Related Proceedings: NIMH-ERB-001 through NIMH-ERB-004
Reserved Companion Proceeding: NIMH-ERB-006
Principal Subject: Jenner-A, literary record
Classification: Political Dissent, Freedom of Association, Autonomous Communities, Institutional Authority, Ethical Disagreement, Voluntary Departure, Evidentiary Uncertainty, and Posthumous Attribution
Date: October 28, 2026
Status: Substantive Findings Entered; Identity and Final Circumstances Unresolved

Nature of Proceeding: Fictional regulatory satire and literary ethics review.

This proceeding concerns Jenner as depicted in Robert C. O'Brien's *Mrs. Frisby and the Rats of NIMH* (1971).

The character depicted in Don Bluth's *The Secret of NIMH* (1982) shall be designated Jenner-B and examined separately.

The Office recognizes that these characters share a name, species, and general opposition to the Plan.

It does not recognize those similarities as evidence that their conduct was identical.

No actual legal, judicial, or regulatory authority is claimed.

I. NOTICE OF INDIVIDUAL REVIEW

The Experimental Intelligence and Autonomous Persons Review Board hereby opens a separate proceeding concerning the conduct and ethical position of Jenner-A.

The investigation arises from the conflict surrounding the proposed relocation of the enhanced rat community from the Fitzgibbon rosebush to Thorn Valley.

The preceding docket determined that the Plan represented a substantial exercise of collective ethical judgment.

Its supporters sought to establish a community less dependent upon resources appropriated from the surrounding human environment.

The Board recognized the moral significance of that objective.

It also recognized that implementation required substantial sacrifice.

The inhabitants would abandon established infrastructure.

They would relinquish familiar comforts.

They would accept new forms of labor.

They would expose themselves to uncertainty.

The proposed transformation was not universally supported.

Jenner opposed it.

He argued against the abandonment of the existing settlement and attempted to persuade other members to reject the Plan.

The disagreement remained sufficiently serious that Jenner ultimately departed with six followers.

The Office considers these events material.

It further considers them insufficient, standing alone, to establish misconduct.

The fact that a member opposes a morally defensible proposal does not automatically establish that the member's opposition is impermissible.

The fact that an individual leaves a community does not automatically establish betrayal.

The fact that subsequent events may suggest disastrous consequences does not automatically establish that the original decision was beyond the individual's legitimate authority.

The Board therefore directs that Jenner's conduct be considered independently.

His political position shall be examined.

His obligations shall be examined.

His departure shall be examined.

The circumstances of the reported deaths shall be examined.

The Office will distinguish established actions from inferred motives and unresolved events.

It will not attribute the cinematic Jenner's conduct to the literary Jenner.

The investigation proceeds.

II. QUESTIONS PRESENTED

The Board identifies ten principal questions.

First: Was Jenner entitled to oppose the Plan notwithstanding the ethical concerns underlying the community's existing arrangements?

Second: Did his preference for retaining the rosebush settlement constitute a legitimate political position, an ethically deficient position, or some combination of the two?

Third: What responsibilities did Jenner possess toward other members when attempting to persuade them to oppose relocation?

Fourth: Did the community possess legitimate authority to require Jenner's participation in a collective transformation he opposed?

Fifth: What protections were owed to Jenner and the six members who elected to depart?

Sixth: Did departure terminate every obligation owed between the dissenters and the community they left?

Seventh: What ethical significance should attach to the possibility that the departing group subsequently attempted to obtain machinery from a human establishment?

Eighth: What evidence would be necessary to identify the seven dead rats as Jenner and his followers?

Ninth: If the dead rats were Jenner's group, what responsibility, if any, should attach to the consequences their apparent conduct produced for the surviving colony?

Tenth: Can a community claiming to respect autonomy legitimately deny moral consideration to an individual because he exercised autonomy in a manner the community disapproved?

The Board considers the final question particularly important.

An institution cannot establish a meaningful commitment to independent judgment while assuming that judgment becomes illegitimate whenever it produces an unwelcome conclusion.

The distinction is entered.

III. THE RESPONDENT'S HISTORY

The Office first considers Jenner's position within the enhanced community.

Jenner was among the rats whose intelligence was transformed through the fictional experimental program.

He shared the history of confinement.

He participated in the circumstances surrounding escape.

He experienced the difficulties of existence outside the laboratory.

He possessed knowledge of the extraordinary abilities acquired by the experimental subjects.

The Board recognizes that these experiences shaped the conditions under which the rats subsequently established their community.

Jenner was not an external adversary encountering the colony for the first time.

He was a member of the population that experienced the original transformation.

He possessed a personal history within the community.

He had participated in its development.

He understood its dependence upon human resources.

He also understood that the colony's intelligence had opened possibilities unavailable to ordinary rats.

The Office considers his prior experience significant.

The right to participate in the determination of a community's future does not ordinarily arise only after a member agrees with its leadership.

Jenner's original participation in the community provides grounds for considering his interests in the decisions affecting it.

His disagreement with Nicodemus does not retroactively erase that participation.

Nor does the disagreement establish that Jenner never possessed legitimate interests in the settlement.

The Board therefore rejects any proposed characterization of Jenner as an outsider whose opinions were irrelevant to the community's internal deliberations.

He was a member.

He disagreed.

Both facts remain in the record.

IV. THE DISAGREEMENT AT THORN VALLEY

The literary record establishes that Nicodemus and Jenner considered the proposed relocation and reached different conclusions.

Nicodemus regarded the rats' dependence upon human resources as ethically and practically troubling.

He believed that continued reliance upon appropriation undermined the possibility of a truly independent society.

Jenner did not accept that the existing arrangement required abandonment.

He favored the established settlement.

The technological sophistication of the rosebush community offered tangible benefits.

Its residents possessed machinery, electricity, shelter, and accumulated knowledge.

Their intelligence permitted them to acquire and employ materials inaccessible to ordinary rats.

Jenner considered these advantages worth preserving.

The Board recognizes that his position was not without practical considerations.

The existing settlement was established.

Thorn Valley was not.

The existing infrastructure functioned.

The proposed infrastructure required construction.

The existing community had access to resources.

The proposed community would need to produce more of its own necessities.

Relocation would therefore introduce uncertainty.

The Office recognizes that uncertainty may provide legitimate grounds for questioning a proposal.

However, the Board also recognizes the limitations of Jenner's position.

The existing comforts depended substantially upon arrangements whose ethical legitimacy was contested.

The community was obtaining resources without the informed agreement of those supplying them.

Continued reliance upon those resources created risks of discovery.

Jenner's preference for the existing settlement did not resolve those concerns.

The Office therefore distinguishes between the legitimacy of questioning the Plan and the persuasiveness of Jenner's reasons for rejecting it.

A political position may be legitimately expressed while remaining ethically deficient.

The right to advance an argument is not proof that the argument is correct.

The distinction is entered.

V. ON THE CLAIM THAT RATS DO NOT STEAL

The Board next considers a central disagreement concerning the acquisition of resources.

Jenner resisted Nicodemus's characterization of the community's practices as theft.

His position reflected, in part, an appeal to the ordinary behavior of rats.

Rats obtain resources from their environments.

They scavenge.

They forage.

They exploit opportunities presented by human settlements.

The Office recognizes that such behavior is ordinarily understood within the context of animal ecology.

However, the enhanced rats were not merely engaging in ordinary foraging.

They had acquired the ability to identify manufactured resources.

They understood machinery.

They could recognize electrical systems.

They could organize coordinated acquisition.

They could distinguish their immediate needs from the broader consequences of their conduct.

The Board therefore asks whether ordinary instinct provides a complete ethical defense for conduct undertaken through extraordinary intelligence.

The answer requires qualification.

The fact that an animal possesses advanced cognition does not necessarily impose every obligation recognized within human legal systems.

The recognition of morally relevant agency is not equivalent to the automatic imposition of an entire human legal code.

Nevertheless, the rats' own capacities made it possible for them to consider the interests of others.

That possibility is significant.

The Board therefore rejects the proposition that conduct becomes ethically permissible merely because behavior resembling it occurs among ordinary animals.

The question is not whether rats have historically taken food.

The question is whether a community capable of understanding the consequences of its practices should consider those consequences.

The Office further observes that an enhanced population cannot invoke its extraordinary intelligence to justify collective self-government while insisting that ordinary animal instinct conclusively resolves every question concerning its obligations.

Such selective reliance would produce substantial inconsistency.

The Board does not require Jenner to agree with Nicodemus's precise account of property.

It does require recognition that the issue could not be settled merely by declaring the conduct natural.

The existence of a natural inclination does not establish that every expression of that inclination is ethically justified.

The objection is not sustained.

VI. THE COMFORTABLE ARRANGEMENT

The Office considers Jenner's attachment to the existing settlement.

Comfort is not inherently improper.

A community may legitimately seek safety, stability, leisure, and material improvement.

The development of technology may reduce unnecessary labor.

The accumulation of resources may permit education, medical care, and broader intellectual pursuits.

The Board does not condemn these achievements.

Indeed, the rat colony's technological sophistication constituted significant evidence of its autonomous capacities.

The ethical concern arises from the means by which those benefits were obtained.

A community may become accustomed to an arrangement whose costs are borne by others.

Its members may come to regard the resulting advantages as ordinary features of their existence.

The longer the arrangement continues, the more difficult its abandonment may become.

Habits develop.

Expectations form.

Infrastructure accumulates.

The conditions produced by a questionable arrangement may eventually be regarded as indispensable.

The Board recognizes that this process does not necessarily involve deliberate malice.

Individuals may inherit arrangements they did not create.

They may grow dependent upon benefits whose origins they have never closely examined.

They may sincerely believe that continuation is necessary.

Nevertheless, the emergence of dependency does not conclusively establish the legitimacy of the arrangement.

Jenner's preference for the rosebush therefore required consideration of both the benefits preserved and the costs externalized.

The Office identifies a general principle:

The fact that an arrangement has become comfortable does not establish that the arrangement is just.

The Board adds a qualification.

The fact that an arrangement is unjust does not establish that every proposed method of changing it is prudent.

Both propositions are sustained.

VII. THE RIGHT TO BE WRONG

The Board now addresses the principal political question.

Could Jenner legitimately reject a proposal that the community considered morally necessary?

The Office finds that meaningful self-government requires some protection for independent judgment.

Members must possess the ability to evaluate proposals.

They must be permitted to question leadership.

They must be able to express competing preferences.

They must possess some recognized means of declining participation when collective obligations do not legitimately require it.

The Board recognizes that these freedoms may be subject to limits.

A member may not necessarily obstruct a lawful collective decision through violence.

A member may remain responsible for specific duties voluntarily undertaken.

A member may not automatically appropriate shared property upon departure.

However, none of these limitations establishes a general obligation to agree.

The Office therefore rejects the proposition that Jenner's ethical error, if established, extinguished his right to express it.

A community may conclude that Jenner's argument is weak.

It may reject his proposal.

It may criticize his values.

It may continue with the Plan despite his opposition.

But it cannot reasonably claim to respect independent judgment while insisting that every independent judgment reach the same conclusion.

The right to deliberate includes the possibility of reaching an incorrect conclusion.

This is not a defect in the principle.

It is one of its necessary consequences.

The Board recognizes that permitting error may be frustrating.

The Office respectfully observes that freedom cannot be evaluated solely by the convenience of its exercise to those who agree with the result.

VIII. THE RESPONSIBILITY OF THE DISSENTER

The Office next considers whether the right to dissent eliminates ethical obligations concerning the manner of dissent.

It does not.

A member seeking to persuade others may possess responsibilities concerning truthfulness, threats, manipulation, and the foreseeable consequences of particular actions.

The right to disagree does not necessarily include the right to fabricate evidence.

It does not establish an entitlement to threaten other members.

It does not authorize the destruction of shared infrastructure.

It does not justify knowingly exposing others to danger as a means of securing political advantage.

The Board therefore distinguishes legitimate dissent from conduct that may accompany dissent.

Jenner's opposition must be examined according to what he did.

Not merely according to whether he disagreed.

The literary record establishes argument and persuasion.

It does not establish the cinematic conspiracy.

Nicodemus describes the disagreement as having remained generally civil.

That evidence is significant.

It indicates that the conflict did not necessarily destroy the community's capacity for discussion.

The Office recognizes that forceful disagreement may produce resentment.

It may strain relationships.

It may expose substantial differences in moral outlook.

These consequences do not independently establish misconduct.

The Board finds insufficient evidence in the literary record to attribute threats, attempted murder, or violent obstruction to Jenner-A.

The Office therefore declines to characterize ordinary political opposition as criminal conspiracy.

The distinction is entered.

IX. THE DESTRUCTION OF THE MACHINES

The Board turns to the decision that precipitated Jenner's departure.

The colony resolved to eliminate machinery associated with the rosebush settlement.

The decision formed part of the larger Plan.

It also served a symbolic and practical purpose.

The community sought to abandon arrangements that encouraged dependence upon resources obtained from humans.

Destroying the machines would make that abandonment more difficult to reverse.

The Office recognizes the logic of collective commitment.

However, the decision also affected members who opposed the Plan.

The equipment represented accumulated labor and knowledge.

It provided practical benefits.

Its destruction would eliminate alternatives.

The Board therefore considers whether Jenner's opposition to this decision was necessarily irrational.

It was not.

A member may legitimately question the destruction of functioning infrastructure even while accepting the need to reform the practices associated with its operation.

The Office distinguishes between ceasing an improper use and destroying the instrument through which that use occurred.

These actions may sometimes be connected.

They are not inherently identical.

The Board therefore finds that the proposed destruction presented questions requiring collective consideration.

These include the ownership of the equipment, the possibility of future lawful use, the need for concealment, and the burdens imposed upon dissenting members.

The available record does not establish every relevant procedure.

The Board enters no finding that the decision was improperly adopted.

It does find that the issue was substantial enough to warrant disagreement.

An objection to the destruction of machinery is not, by itself, proof of opposition to every possible ethical reform.

The Office recognizes that Jenner's broader position favored continuation of the existing way of life.

Nevertheless, the specific objection to destroying equipment remains capable of separate consideration.

X. THE DEPARTURE OF SEVEN

The literary record establishes that Jenner ultimately left the rosebush with six followers.

The Board identifies this departure as a material exercise of independent agency.

The departing group rejected the community's chosen course.

They did not compel the remaining rats to abandon the Plan.

Nor does the literary record establish that the community prevented their departure.

The Office therefore considers the event evidence of a functioning distinction between collective decision-making and individual membership.

The colony could proceed toward Thorn Valley.

Jenner and his followers could pursue a different future.

The Board recognizes that departure may have imposed substantial risks.

The dissenters were leaving an established community.

They would need to secure shelter.

They would need to obtain resources.

They would need to organize their own survival.

They would no longer enjoy every advantage of the rosebush.

Nevertheless, the existence of risk does not automatically invalidate a decision.

A member may understand that an independent choice carries substantial danger.

The appropriate response is not necessarily to prohibit the choice.

The Office therefore enters the following finding:

A community does not possess an unrestricted right to retain a member merely because it believes the member's departure would be unwise.

The Board recognizes that the rats' original history makes this principle particularly important.

They had escaped an institution that controlled their lives.

The society they established could not consistently regard autonomy as a foundational achievement while making departure dependent entirely upon leadership approval.

The Office therefore finds that Jenner's departure was not inherently illegitimate.

No contrary finding is entered.

XI. ON THE SIX FOLLOWERS

The Office now considers the six rats who departed with Jenner.

Their individual reasons for leaving are not fully established.

The Board therefore declines to presume that every follower possessed precisely the same beliefs as Jenner.

They may have agreed with his ethical arguments.

They may have preferred the existing settlement.

They may have doubted the feasibility of Thorn Valley.

They may have been influenced by personal relationships.

They may have possessed motivations not described in the narrative.

The record does not support a definitive classification.

The Board also recognizes that association with a prominent dissenter does not extinguish individual agency.

Each follower may have possessed interests independent of Jenner's.

The decision to accompany him does not automatically establish consent to every future action he might undertake.

The Office therefore rejects collective attribution based solely upon association.

If the group subsequently participated in improper conduct, individual responsibility would require examination of the relevant evidence.

The Board cannot presume identical intentions, knowledge, or conduct among all seven merely because they traveled together.

The Office further recognizes that small groups may develop informal power structures.

A leader may exercise substantial influence.

Such influence is not automatically coercive.

Neither does the existence of apparent agreement establish that coercion was impossible.

The available narrative does not provide sufficient evidence to determine the internal decision-making arrangements of Jenner's group after departure.

No definitive finding is entered.

The Office respectfully requests that future classifications distinguish between membership in a dissenting faction and participation in a specific harmful act.

The distinction is entered.

XII. THE OBLIGATIONS THAT SURVIVE DEPARTURE

The Board considers whether leaving a community terminates all obligations between the departing member and those remaining.

The answer is not necessarily affirmative.

Membership may create responsibilities that persist for a limited period after departure.

A departing member may possess knowledge of confidential arrangements.

The member may have undertaken obligations concerning shared property.

The member may know information whose disclosure would expose others to serious danger.

The member may have contributed to conditions requiring reasonable transition measures.

The Office recognizes these possibilities.

However, continuing obligations require justification.

They cannot be assumed to extend indefinitely.

Nor can they be employed as a disguised means of compelling continued membership.

The Board therefore distinguishes between legitimate protective duties and permanent institutional control.

A former member may possess a duty not to deliberately expose others to foreseeable harm.

That does not necessarily require the former member to abandon every independent objective.

A former member may possess obligations concerning property previously entrusted to him.

That does not establish that all future property acquisitions belong to the former community.

A former member may be expected to avoid deliberate disclosure of sensitive information.

That does not automatically establish a duty to remain hidden under conditions that threaten his own survival.

The Office recognizes that these interests may conflict.

The proper inquiry depends upon the circumstances.

The Board therefore rejects the proposition that departure creates either absolute freedom from every prior obligation or permanent subordination to the former community.

The end of membership does not necessarily erase responsibility.

Neither does responsibility establish perpetual membership.

Both principles are sustained.

XIII. THE HARDWARE STORE INCIDENT

The investigation now turns to the reported deaths of seven rats at a nearby hardware store.

The literary record establishes that Mrs. Frisby overhears information concerning an unusual incident while confined in the Fitzgibbon household.

According to that information, seven rats were discovered dead following an apparent attempt to obtain a small motor.

The reported circumstances involved electrical contact or malfunction.

The incident attracted attention because the rats appeared to have engaged in behavior beyond that ordinarily expected of their species.

The unusual nature of the event prompted concern that the animals might be connected to the experimental population.

The Board recognizes that these reports are material.

It further recognizes that they are not equivalent to a complete forensic investigation.

The information reaches the principal characters through accounts of events they did not personally witness.

The available narrative does not provide a verified identification of the dead animals.

Nor does it establish the precise conduct of each animal immediately before death.

The Office therefore distinguishes four propositions.

Proposition A: Seven dead rats were reported at a hardware establishment.

Proposition B: The reported circumstances involved an apparent attempt to obtain a motor and a fatal electrical event.

Proposition C: The dead animals may have been members of Jenner's departing group.

Proposition D: Jenner and all six followers have been conclusively identified among the dead.

The available record supports the first two as reported narrative events.

The third is a plausible inference.

The fourth is not established.

The Board therefore declines to enter a definitive finding of identity.

The Office recognizes that the number of reported dead rats corresponds to the number of departing rats.

It does not recognize numerical correspondence as conclusive identification.

Seven individuals departed.

Seven bodies were reportedly discovered.

The relationship is significant.

It is not dispositive.

The matter remains unresolved.

XIV. THE LIMITS OF RETROSPECTIVE IDENTIFICATION

The Board considers what additional evidence would be necessary to establish the identities of the dead rats.

Potentially relevant evidence might include:

- Distinguishing physical characteristics.
- Reliable identification by witnesses.

- Personal effects or identifiable equipment.
- Evidence connecting the deceased individuals to the departing group.
- Records concerning the location and activities of the group before the incident.
- A reliable account of the circumstances in which the bodies were recovered.

The Office recognizes that such evidence may not exist within the fictional narrative.

The inquiry does not authorize fabrication of missing details.

The Board further recognizes that the bodies were reportedly disposed of before the suspected laboratory investigators could examine them.

This circumstance substantially limits retrospective verification.

The absence of physical evidence does not establish that the initial identification was false.

It also does not establish that the identification was correct.

The Office therefore enters no final individual death determination for Jenner-A.

The Board considers the uncertainty especially important because the proposed identification carries substantial interpretive consequences.

If the dead rats were Jenner's group, their apparent attempt to obtain machinery may be understood as evidence that they continued pursuing the material arrangements they preferred.

If the dead rats were unrelated, that inference would be unsupported.

The narrative permits suspicion.

It does not authorize certainty.

A plausible explanation is not transformed into an established fact merely because it completes the story satisfactorily.

The Board considers this principle indispensable.

XV. THE PROBLEM OF POSTHUMOUS MORALIZATION

The Office now considers the tendency to interpret an individual's death as proof that the individual's earlier choices were morally mistaken.

The Board recognizes that the reported hardware store incident may suggest serious risks associated with Jenner's preferred lifestyle.

The acquisition of human machinery involved danger.

The possibility of discovery was real.

The consequences of discovery could extend beyond the individuals involved.

These risks were relevant to the original disagreement.

However, the occurrence of a disastrous event does not automatically establish that every prior decision leading toward it was illegitimate.

The Office therefore distinguishes between the reasonableness of a decision when made and the consequences subsequently observed.

A decision may be reasonable and result in tragedy.

A decision may be unreasonable and produce temporary success.

A decision may possess both legitimate and deficient elements.

The Board rejects the proposition that outcomes alone provide a complete account of ethical responsibility.

The possible deaths of Jenner and his followers, if established, would not retrospectively create a duty to agree with Nicodemus.

Nor would they prove that the community possessed a right to prevent their departure.

The deaths might reveal the dangers of their chosen course.

They might illustrate the practical wisdom of Nicodemus's concerns.

They might invite examination of failures to appreciate foreseeable risks.

But they would not establish that the right to make independent choices had ceased to exist.

The Office therefore enters the following principle:

A tragic consequence may reveal the cost of a decision.

It does not necessarily establish that the decision was never the individual's to make.

The distinction is entered.

XVI. WHETHER THE DEPARTURE ENDANGERED THE REMAINING COLONY

The Board considers the consequences of the hardware store incident for the rats who remained beneath the rosebush.

The unusual deaths attracted attention.

The apparent involvement of technologically capable rats raised questions concerning the escaped experimental population.

Subsequent inquiries reached the Fitzgibbon farm.

The remaining rats perceived a serious threat.

Their preparations for Thorn Valley were accelerated.

The community adopted emergency concealment measures.

Ten rats remained behind during the final operation.

Two died.

The Office recognizes the gravity of this sequence.

It further recognizes that the sequence creates a temptation to attribute the later deaths to Jenner.

Such attribution requires caution.

The Board distinguishes between causal contribution and moral responsibility.

An event may contribute causally to a later outcome without every participant in the earlier event becoming morally responsible for all subsequent actions of third parties.

The hardware store incident may have contributed to the discovery of evidence suggesting that extraordinary rats existed.

The suspected investigators' subsequent actions involved additional decisions.

The remaining colony made further decisions concerning concealment and evacuation.

The volunteers undertook a dangerous operation.

These events were connected.

They were not identical acts.

The Board therefore declines to assign direct responsibility for the deaths at the rosebush to Jenner merely because his group may have been involved in an earlier incident.

Even assuming that the hardware store victims were Jenner's group, further questions would remain.

Was the attempted acquisition of machinery foreseeable as a danger to the former colony?

Did the departing rats possess reason to anticipate that unusual conduct would attract institutional attention?

Did they take reasonable precautions?

Were the consequences sufficiently foreseeable to support moral criticism?

Did subsequent actions by other parties substantially alter the causal sequence?

The available evidence does not resolve every question.

The Office therefore enters no consolidated finding of responsibility.

Causation requires examination.

Culpability requires additional examination.

The distinction is entered.

XVII. THE DANGER OF BLAMING THE DEAD

The Board considers a related institutional problem.

The dead cannot respond to allegations.

They cannot clarify intentions.

They cannot contest mistaken identification.

They cannot provide missing evidence.

They cannot explain why they made a particular choice.

These limitations do not make posthumous inquiry impermissible.

Historical investigations frequently concern individuals who are no longer alive.

Such inquiries may be necessary.

Nevertheless, the inability of a subject to respond increases the importance of evidentiary restraint.

The Office therefore rejects the proposition that uncertainty becomes less consequential when the person being judged is dead.

Indeed, the opposite may be true.

Where meaningful rebuttal is impossible, the institution conducting the review bears a heightened responsibility to distinguish what is known from what is inferred.

The Board recognizes that Jenner may have made serious errors of judgment.

His opposition to the Plan may have reflected an unwillingness to confront the ethical consequences of the existing settlement.

His preference for technological comfort may have exposed him to danger.

These criticisms may be examined.

But the fact that a possible death provides a compelling conclusion to his story does not authorize the Office to treat speculation as proof.

The Board further observes that a community may find comfort in assigning responsibility for disaster to a former dissenter.

Such attribution may simplify an otherwise complicated history.

The remaining members may regard the dissenter's fate as confirmation that the community's chosen direction was correct.

This interpretation may contain elements of truth.

It may also obscure the responsibilities of the surviving institution.

The Office therefore cautions against the use of a dead dissenter as an explanation for every subsequent failure.

The inability of the dead to defend themselves does not enlarge the authority of the living to invent their conduct.

The principle is sustained.

XVIII. THE COMMUNITY'S RESPONSIBILITIES TOWARD THOSE WHO LEFT

The Office next considers the responsibilities of the rosebush community toward Jenner and his followers after their departure.

The Board recognizes that the community was not necessarily capable of ensuring the safety of former members.

The departing rats had chosen a separate course.

Their location may have become unknown.

Their activities were no longer subject to direct coordination with the colony.

The community also possessed legitimate obligations toward its remaining members.

These circumstances limited what could reasonably be expected.

Nevertheless, the right to depart does not necessarily eliminate every moral claim upon those left behind.

A community may continue to regard former members as beings possessing dignity and interests worthy of consideration.

It may acknowledge their history.

It may respond to credible information concerning their danger.

It may preserve accurate accounts of their conduct.

It may refrain from inventing wrongdoing.

The Board does not propose an unlimited duty of rescue.

Such a duty might create severe practical burdens.

Nor does the available narrative establish that the remaining rats possessed a realistic opportunity to intervene in the reported hardware store incident.

The Office enters no finding of failure to rescue.

However, it rejects the proposition that dissent automatically extinguishes all claims to compassion.

The departure of a member may terminate participation in collective government.

It does not necessarily terminate the member's moral standing.

The Office considers this distinction especially important for a society founded upon the recognition of independent agency.

The rats could not reasonably insist that autonomy mattered when they sought freedom from the laboratory but ceased to matter when a former companion exercised it differently.

The obligation to recognize another being's agency does not depend entirely upon the wisdom of that being's choices.

The Board recognizes that this principle may be inconvenient.

It nevertheless considers inconvenience insufficient grounds for rejecting it.

XIX. NICODEMUS'S POSITION RECONSIDERED

The Board returns briefly to Nicodemus.

The preceding dockets recognized the ethical force of the Plan.

Nicodemus identified problems within the rosebush community.

He understood the danger of continued dependence.

He sought an alternative requiring sacrifice.

His leadership demonstrated an effort to align collective conduct with moral principles.

The Office does not withdraw those findings.

Nevertheless, the present inquiry requires consideration of the limits of his authority.

Nicodemus could be correct about the necessity of reform.

Jenner could be mistaken about the wisdom of remaining.

Both propositions could be true.

It does not follow that Nicodemus possessed unlimited authority to compel Jenner's agreement.

The Office therefore rejects the assumption that political legitimacy requires one party to be morally infallible.

A leader may be justified in pursuing a reform despite opposition.

A dissenter may be entitled to reject the reform despite being mistaken.

These conclusions are compatible.

The Board further observes that the ability of a society to tolerate such tension may constitute evidence of institutional maturity.

A community that can act collectively without requiring universal approval has developed one form of competence.

A community that can permit members to leave without automatically treating them as enemies has developed another.

The literary record suggests that the conflict remained sufficiently contained for Jenner and his followers to depart.

The Office considers that outcome relevant.

It does not presume that every aspect of the process was ideal.

It does conclude that departure differed materially from the violent conflict depicted in the cinematic record.

The distinction remains controlling.

XX. WHETHER THE COMMUNITY WAS RIGHT

The Office anticipates an objection.

The Plan was morally defensible.

Jenner opposed it.

Jenner may subsequently have died while pursuing precisely the sort of resource acquisition Nicodemus had warned against.

Does this not establish that Nicodemus was right?

The Board considers the question insufficiently precise.

It contains several separate propositions.

Nicodemus may have been correct that the existing resource practices were ethically troubling.

He may have been correct that dependence upon human infrastructure created practical danger.

He may have been correct that relocation offered a more defensible future.

Jenner may have underestimated those concerns.

The possible hardware store incident may illustrate the risks.

But the correctness of Nicodemus's underlying assessment would not independently establish the legitimacy of coercing Jenner to remain.

Nor would it establish that the community could disregard the interests of the departing group.

The Office therefore declines to treat moral correctness as a comprehensive source of political authority.

A person may be right about an issue without possessing unrestricted power over everyone who disagrees.

Likewise, a person may be wrong without forfeiting the protections ordinarily associated with independent agency.

The Board considers this distinction fundamental.

Being correct is not the same thing as being entitled to rule without limitation.

Being incorrect is not the same thing as becoming property.

Both propositions are sustained.

XXI. FINDINGS

Following review of the literary record, the Board enters the following findings.

Finding 1 — Separate Literary Identity

Jenner-A is the character depicted in Robert C. O'Brien's 1971 novel.

His conduct shall not be consolidated with that of Jenner-B.

Finding 2 — Founding Participation

Jenner-A shared the history of experimental enhancement, escape, and community development.

Finding 3 — Genuine Political Disagreement

Jenner opposed the proposed relocation to Thorn Valley and advocated continuation of the established rosebush arrangements.

Finding 4 — Ethical Deficiency of the Existing Arrangement

The community's reliance upon resources obtained from humans raised substantial ethical questions that Jenner's preferred course did not adequately resolve.

Finding 5 — Legitimate Scope of Opposition

Disagreement with a defensible collective reform is not inherently impermissible.

Finding 6 — No Requirement of Correctness

The protection of political dissent does not depend upon the dissenter's arguments being morally or practically correct.

Finding 7 — Evidence of Persuasion

The literary record establishes Jenner's attempt to persuade other members to oppose the Plan.

Finding 8 — No Established Violent Conspiracy

The literary record does not establish that Jenner plotted Nicodemus's death or employed the cinematic methods of sabotage.

Finding 9 — Departure

Jenner and six followers left the rosebush community.

Finding 10 — Right to Withdraw

The decision to leave was not inherently illegitimate merely because it conflicted with the community's preferred direction.

Finding 11 — Independent Interests of Followers

The six followers possessed interests that cannot be conclusively reduced to Jenner's personal preferences.

Finding 12 — Continuing Ethical Obligations

Departure did not necessarily terminate every obligation concerning the safety, confidentiality, or legitimate interests of others.

Finding 13 — Reported Hardware Store Deaths

The literary record reports the deaths of seven rats following an apparent attempt to obtain a motor.

Finding 14 — Identity Unconfirmed

The available evidence does not conclusively establish that the dead rats were Jenner and his followers.

Finding 15 — No Definitive Individual Death Determination

The Office cannot enter a verified finding of Jenner-A's death upon the available evidence.

Finding 16 — Consequential Institutional Attention

The unusual hardware store incident contributed to circumstances in which the remaining colony faced increased danger of discovery.

Finding 17 — No Automatic Transfer of Responsibility

The possible involvement of Jenner's group does not establish direct responsibility for every subsequent action or death.

Finding 18 — Prohibition Against Retrospective Certainty

A tragic outcome does not automatically establish that the earlier exercise of individual choice was illegitimate.

Finding 19 — Posthumous Evidentiary Restraint

The inability of a deceased or missing individual to respond requires particular care in distinguishing established evidence from inference.

Finding 20 — Continuing Moral Standing

A former member's disagreement and departure do not necessarily extinguish the community's obligation to recognize that member's dignity.

Finding 21 — Limits of Collective Authority

A community claiming to respect autonomy must distinguish the authority to make collective decisions from the authority to compel universal agreement.

XXII. THE BOARD'S DETERMINATION

The Board returns to the central issue.

Was Jenner entitled to reject the Plan?

The answer requires distinguishing the quality of his judgment from the legitimacy of his freedom to exercise it.

Jenner's arguments were open to criticism.

His preference for the rosebush settlement did not satisfactorily resolve the ethical concerns associated with dependence upon human resources.

His desire to preserve technological comforts may have reflected an excessive attachment to advantages the community could no longer justify.

His assessment of the dangers associated with continued appropriation may have been inadequate.

These considerations matter.

They do not establish that his disagreement was prohibited.

The rats had escaped a laboratory whose authority over them had become ethically contestable.

They had acquired the ability to make independent decisions.

They had developed a community capable of governing itself.

That development created collective responsibilities.

It did not eliminate individual agency.

The Board therefore rejects the proposition that Jenner could exercise autonomy only by agreeing with the majority.

The community was entitled to consider the Plan.

It was entitled to adopt a defensible course.

It was entitled to proceed toward Thorn Valley.

It was not necessarily entitled to compel every member to share its judgment.

The distinction is central.

A society does not demonstrate its commitment to freedom by permitting individuals to choose only what the society has already selected for them.

The Board recognizes that this principle may permit unwise choices.

Indeed, the available narrative suggests that Jenner's preferred course involved significant danger.

But the possibility of error is not an incidental defect of self-direction.

It is among the conditions that make self-direction meaningful.

The Office therefore determines that Jenner's opposition and departure were not inherently illegitimate.

This determination does not constitute approval of his ethical reasoning.

It does not establish that every subsequent act of his group was justified.

It does not resolve the identities of the rats discovered at the hardware store.

It does not establish that the departing members exercised reasonable care in their subsequent activities.

Those questions remain distinct.

The Board further determines that the literary record does not support attribution of the cinematic Jenner's conspiracy, sabotage, or lethal conduct.

No such finding shall be transferred.

Finally, the Board determines that the uncertainty concerning Jenner's fate must remain uncertainty.

The possible identification of the dead rats is significant.

The available evidence does not permit conclusive identification.

The Office will not manufacture certainty in order to produce a more satisfying moral conclusion.

The tragedy of an individual does not grant an institution permission to rewrite the individual's freedom as a crime.

The determination is entered.

XXIII. DISPOSITION

NIMH-ERB-005 is hereby concluded as to the ethical legitimacy of literary political dissent and voluntary departure.

The Board finds:

Jenner-A possessed a legitimate interest in expressing disagreement with the Plan.

His arguments remained subject to ethical criticism.

His decision to depart did not, by itself, constitute betrayal or misconduct.

His possible participation in the hardware store incident remains unverified.

His death is not conclusively established within the available narrative record.

No finding of criminal conspiracy or homicide is entered against Jenner-A.

Questions concerning the identities of the seven dead rats remain unresolved.

The Board directs that future records preserve this uncertainty.

No final identification shall be entered solely upon correspondence between the number of departing rats and the number of reported fatalities.

The Office further directs that the actions of Jenner-B remain within the separate cinematic docket.

The Board does not recognize shared nomenclature as sufficient evidence of shared liability.

The individual proceeding is concluded.

ADMINISTRATIVE ADDENDUM A

Regarding the Proposal to Classify Jenner as a Traitor

The Office of Records has received a proposed classification identifying Jenner-A as a traitor to the rosebush community.

The classification appears to rest upon his opposition to the Plan and subsequent departure.

The Board recognizes that Jenner rejected the community's proposed transformation.

It further recognizes that his departure may have deprived the community of labor, knowledge, and personal relationships.

However, the available record does not establish that he undertook an act properly classified as treason under any recognized governing framework.

No rat constitutional provision establishing such an offense has been produced.

No oath requiring permanent ideological agreement has been entered.

No evidence establishes that departure itself was prohibited by a legitimate community rule.

The Board therefore declines to classify disagreement as treason.

The Office further observes that the designation *traitor* should not be used merely because a community regards a former member's choices as foolish.

The term may have substantial moral consequences.

Its application requires more than disappointment.

The proposed classification is rejected.

The Office recommends the term *departing dissenter*.

It recognizes that this designation may lack dramatic force.

Administrative accuracy does not require dramatic force.

ADMINISTRATIVE ADDENDUM B

Regarding the Allegation That Jenner Was Murdered by His Own Refusal to Listen

The Board has received a proposed interpretation of the hardware store incident.

The interpretation states that Jenner's refusal to accept Nicodemus's advice caused his death.

The Office identifies three defects.

First, Jenner's death has not been conclusively established.

Second, the precise circumstances of the hardware store incident remain incompletely documented.

Third, the claim confuses disagreement with the specific actions that may have produced a fatal electrical event.

The Board recognizes that rejecting sound advice may increase exposure to foreseeable danger.

It does not recognize disagreement as a literal mechanism of electrocution.

The Office respectfully observes that electrical injury ordinarily involves physical circumstances requiring independent examination.

A contrary opinion concerning agricultural independence is not, by itself, an electrical conductor.

The proposed finding is rejected.

The Board further recommends that future analyses distinguish metaphorical consequences from established physical causes.

ADMINISTRATIVE ADDENDUM C

Regarding the Contention That the Seven Dead Rats Must Have Been Jenner's Group

The Office has considered the numerical correspondence.

Jenner departed with six followers.

The reported incident involved seven dead rats.

The Board recognizes the significance of this coincidence.

However, the available record does not establish individual identification.

The Office therefore declines to enter a definitive finding.

It further observes that the proposition *seven equals seven* is mathematically sound but evidentially incomplete.

The equality of two quantities does not independently establish the identity of the objects counted.

The Board recognizes that the dead rats may indeed have been Jenner's group.

It does not recognize likelihood as certainty.

The Office of Records is directed to retain the classification:

IDENTITY: SUSPECTED; NOT CONCLUSIVELY VERIFIED.

No further adjustment is authorized without additional evidence.

ADMINISTRATIVE ADDENDUM D

Regarding the Proposed Transfer of Charges from Jenner-B

The Office of Records has received a request to consolidate Jenner-A and Jenner-B on grounds of administrative efficiency.

The request notes that both individuals possess the same name.

Both oppose the Plan.

Both are rats.

The Board acknowledges all three observations.

It nevertheless rejects the requested consolidation.

The literary Jenner's conduct consists principally of political opposition and voluntary departure.

The cinematic Jenner's conduct includes conspiracy, sabotage, and lethal interference.

The distinction is material.

The Office does not recognize adaptation as a mechanism by which fictional misconduct may be retrospectively imposed upon a character in the source novel.

Nor does it recognize an author's later cinematic interpretation as automatic evidence of events omitted from an earlier literary account.

The two narratives are related.

They are not identical historical records.

The Office further observes that the presence of a more dramatic antagonist in the cinematic adaptation may alter the audience's retrospective impression of the literary character.

Such impressions do not constitute evidence.

The request for consolidation is denied.

The Office respectfully advises that future accusations identify the relevant Jenner before describing the alleged offense.

One name. Two narrative records. Separate findings.

The distinction is entered.

ADMINISTRATIVE ADDENDUM E

Regarding the Proposed Finding That Jenner Deserved His Fate

The Office has considered a proposed concluding observation stating that Jenner deserved the consequences of his choices.

The Board finds the language insufficiently precise.

The nature of those consequences has not been fully established.

The identity of the dead rats remains uncertain.

The exact conduct undertaken by Jenner after departure is incompletely documented.

More fundamentally, the proposition combines moral criticism of a decision with a conclusion concerning the worthiness of the individual to suffer harm.

The Office declines to adopt that reasoning.

A person may exercise poor judgment.

A person may disregard advice.

A person may select a dangerous course.

Such conduct may justify criticism.

It does not establish that death is deserved.

The Board recognizes that this distinction may appear sentimental to readers seeking a decisive moral conclusion.

It respectfully disagrees.

An ethical inquiry does not become more rigorous by treating suffering as proof of guilt.

Nor does an individual's failure to act wisely extinguish the obligation to evaluate that individual's circumstances fairly.

The Office therefore rejects the proposed finding.

The record may establish that Jenner's decisions were mistaken.

It may establish that his arguments were ethically deficient.

It may eventually establish that his actions contributed to foreseeable harm.

None of these findings requires the conclusion that his death, if it occurred, was deserved.

The language is struck.

ADMINISTRATIVE ADDENDUM F

Regarding the Suggestion That the Colony Should Have Prevented Jenner from Leaving for His Own Good

The Board has considered a hypothetical argument that Jenner's departure should have been prohibited because his preferred future was dangerous.

The Office recognizes the protective motive underlying the proposal.

Jenner and his followers may have faced substantial danger outside the established settlement.

However, the proposed remedy requires examination.

The rats' original grievance concerned control exercised over them by an external institution.

Their development of autonomy included the ability to determine their own purposes.

The community subsequently established a system of collective governance.

The Office therefore considers it contradictory to treat adult members as permanently incapable of determining whether to remain.

Protective intervention may be justified in circumstances involving immediate danger, impaired decision-making, or other sufficiently serious considerations.

No general rule is established here.

Nevertheless, disagreement with leadership does not independently establish incapacity.

Nor does a preference for comfort constitute sufficient evidence that a member cannot understand danger.

The Board therefore rejects the proposition that Jenner's opposition to the Plan automatically authorized his detention.

The Office respectfully observes that confinement becomes difficult to distinguish from captivity when the only permissible means of departure is agreement with the party controlling the exit.

The proposed restraint is not sustained.

FINAL ADMINISTRATIVE NOTICE

On the Right to Leave, the Freedom to Err, and the Limits of a Community's Claim Upon Its Members

The Office concludes this proceeding by returning to the circumstances of the rats' original escape.

The enhanced animals had been held by an institution whose purposes they had not selected.

Their intelligence developed.

Their understanding expanded.

They became capable of questioning the conditions under which they lived.

Eventually, they departed.

The Office has previously recognized that departure as a significant exercise of autonomy.

The rats then established a community.

They developed technology.

They organized collective life.

They created political arrangements.

They became capable of examining the ethical basis of their own prosperity.

These developments demonstrated extraordinary growth.

But the emergence of self-government did not eliminate the possibility of disagreement.

Indeed, it made disagreement inevitable.

The Plan for Thorn Valley brought that disagreement into the open.

Nicodemus believed the community should abandon its dependence upon human resources.

Jenner disagreed.

Nicodemus sought a more independent form of life.

Jenner preferred the advantages of the existing settlement.

The community elected to pursue change.

Jenner and six followers departed.

The Office recognizes that the Plan possessed substantial ethical merit.

It recognizes that Jenner's position was open to serious criticism.

It recognizes that the possible consequences of his departure were tragic.

But it declines to treat these facts as sufficient grounds to extinguish his freedom.

The question is not whether Jenner was wise.

The question is whether wisdom was a prerequisite for the exercise of independent judgment.

The Board finds that it was not.

The same principle that permitted the rats to question the laboratory required their community to recognize the possibility that its members might question one another.

The Office recognizes a distinction between collective government and compulsory agreement.

A community may establish rules.

It may make decisions.

It may impose legitimate obligations.

It may pursue policies opposed by some members.

But the authority to act collectively does not automatically include unlimited authority to determine every individual's beliefs, associations, and future.

The Board considers this distinction indispensable.

The rats had experienced the consequences of being treated as subjects whose purposes were subordinate to those of an institution.

Their subsequent independence required more than the creation of another institution.

It required consideration of the limits of institutional power.

The disagreement with Jenner presented precisely that question.

Could the community tolerate the independent judgment of a member who rejected its preferred future?

Could it permit departure without converting departure into betrayal?

Could it continue pursuing reform without requiring universal moral agreement?

The literary record suggests that separation occurred.

The Office considers that outcome significant.

It does not require the conclusion that Jenner was correct.

It does not require approval of his motives.

It does not establish that every subsequent action of the departing group was justified.

It establishes that disagreement and departure were possible.

That possibility matters.

The subsequent hardware store incident complicates the record.

Seven rats were reported dead.

They may have been Jenner and his followers.

The circumstances suggest substantial danger associated with the acquisition of human machinery.

The resulting attention contributed to a crisis for the remaining colony.

These facts warrant serious consideration.

They do not authorize the Office to manufacture an identification.

Nor do they establish that a possible fatal consequence retrospectively converted Jenner's departure into an illegitimate act.

The Board therefore concludes that the appropriate judgment must remain limited.

Jenner may have been mistaken.

He may have underestimated the risks.

He may have valued comfort over ethical consistency.

He may have pursued an arrangement that could not be sustained.

But his failure to agree with Nicodemus did not, by itself, establish that he ceased to possess legitimate interests.

The same autonomy that made the rats worthy of recognition also permitted them to make decisions their companions considered foolish.

The Office therefore enters its final determination:

A community does not establish its commitment to freedom by permitting only those choices that its leaders regard as correct.

It establishes that commitment, in part, by recognizing the agency of those whose choices it cannot endorse.

The Board further determines:

The right to exercise judgment includes the possibility of error.

The right to leave includes the possibility of regret.

The right to disagree does not depend upon eventually persuading the majority.

And a tragic outcome does not automatically convert the exercise of freedom into a forfeiture of dignity.

The Office recognizes that Jenner may have died.

It recognizes that his decisions may have contributed to danger.

It recognizes that the surviving colony had reason to regard its own chosen course as wiser.

But the Office does not recognize any of these circumstances as permission to disregard the distinction between evidence and inference.

The dead rats have not been conclusively identified.

The literary Jenner has not been shown to have committed the cinematic Jenner's crimes.

The available record does not support a finding that political dissent itself constituted wrongdoing.

The Board therefore declines to condemn Jenner for actions not established.

It also declines to praise him merely because he opposed authority.

Dissent is not inherently virtuous.

Conformity is not inherently vicious.

Each requires consideration of its substance and circumstances.

The Office recognizes that independence may be exercised responsibly or irresponsibly.

It recognizes that institutions may act wisely or unwisely.

It recognizes that moral disagreement may persist after a collective decision has been made.

These conditions do not make self-government impossible.

They define the work self-government requires.

The rats sought to create a society different from the laboratory that had confined them.

Their success could not be measured solely by the sophistication of their machinery or the effectiveness of their collective decisions.

It also depended upon whether they understood that those subject to their authority remained capable of possessing interests independent of that authority.

Jenner's disagreement tested that understanding.

His departure tested it further.

His possible death tested whether the community could preserve fairness toward someone no longer present to defend himself.

The Office considers all three tests significant.

And it closes with a final observation.

The rats escaped a laboratory because they had become capable of determining their own future.

The community they established could not consistently claim that achievement while denying the same capacity to those who chose a different one.

The Office recognizes that Jenner was a rat.

It recognizes that he opposed the Plan.

It recognizes that his judgment may have been poor.

It does not recognize any of these facts as sufficient grounds to deny him the dignity of an individual hearing.

The matter is concluded.

So entered.

Office of Improbable Jurisdiction
Experimental Intelligence and Autonomous Persons Review Board
Division of Institutional Dissent, Voluntary Departure, and Unconfirmed Rodent Fatalities

END OF NIMH-ERB-005

SOURCE RECORD

Primary Literary Record: Robert C. O'Brien, *Mrs. Frisby and the Rats of NIMH* (1971).

Particular attention is directed to the chapters concerning the Plan for Thorn Valley, Jenner's opposition and departure, the reported hardware store deaths, and the subsequent emergency affecting the rosebush community.

Excluded Evidentiary Record: Don Bluth, director, *The Secret of NIMH* (1982). Material relating to Jenner's cinematic conspiracy and Nicodemus's death is reserved for NIMH-ERB-006.

Foundational Proceeding: NIMH-ERB-001 — *Preliminary Investigation into the Rats of NIMH*.

Companion Proceedings: NIMH-ERB-002 through NIMH-ERB-004.

Reserved Proceeding: NIMH-ERB-006 — *The Cinematic Jenner: On Conspiracy, Sabotage, and the Death of Nicodemus*.

Scope of Findings: Fictional literary and institutional ethics analysis. No actual legal liability or historical regulatory violation is determined.