

Human experimentation at Willowbrook

'Medical progress' not sufficient excuse

By ROBERT L. BENSON

Assistant professor of philosophy,
Wagner College.

Let us begin with the last part of the justification given for the Willowbrook hepatitis experiment and work backwards. Does "benefit to mankind" justify non-therapeutic experimentation? There is no question that the Willowbrook studies (unlike many of the Nazi experiments) did promise such benefits, that they were important research carried out in accordance with sound scientific standards.

But it is equally clear that this fact by itself does nothing to justify what was done, or, at the very most, it justifies only "negatively." If an experiment does not promise such benefit, then it is certainly not justified regardless of how many other conditions of morally acceptable research it may satisfy. It is always wrong to use an experimental subject for trivial and insignificant ends; even if the subject consents, such experimentation is a misuse of the idealistic devotion from which alone such consent, if rational, can proceed.

"Benefit to mankind," then, is merely a negative criterion, a condition which must be satisfied if human experimentation is to be justified, but which even though satisfied, fails, by itself, to legitimate the experiment.

A fairly simply reasoning makes clear why this is so. If we were to concede that such humanitarian consequences are *sufficient*, and not merely necessary, to justify human experimentation, we would in effect be elevating the value of "health" or medical progress to the very pinnacle of our ethical system. We would be saying that the pursuit of this value is subject to no restrictions, is conditioned by no other and higher moral principles, that we may trample on all other values, ignore all other obligations, in the cause of advancing medical science. This end, we would be saying, justifies *any* means.

But clearly we do not believe this and we would not want to live in a society where such an order of moral priority obtained. We believe that there are higher values than the elimination of disease and that the pursuit of this end must conform to these values. Perhaps the most important among them is a value which lies close to the heart of all Western morality and expresses a commitment to "the dignity of man" and "the infinite worth of the individual."

The most famous philosophical formulation of the principle is found in Immanuel Kant's "categorical imperative:" "Act in such a way that you . . . treat humanity . . . never simply as a means, but always at the same time as an end." Of course, in countless every day dealings with our fellow man and certainly in all instances of non-therapeutic human experimentation, we treat "humanity," human beings, as a means.

Whenever we hold a conversation, make love or borrow a dollar, we are "using" another human being as a means. But that, clearly, is not what the categorical imperative forbids. Only when we treat another person as *nothing but* a means, only if we fail to respect his purposes in the interaction, only if we ignore his ends, do we run afoul of the categorical imperative by degrading man to a thing and violating his dignity.

But certainly this *is* what we do if we experiment on someone without life consent, without consulting him about his purposes, that is, if "benefit to others (mankind)" is the only justifying reason we have to offer.

It must never be forgotten that the retarded children who were infected with hepatitis were *not* part of that "mankind," whose benefit is advanced in legitimization of the experiments. They did not benefit, at least not in the sense intended by the appeal to benefits to mankind, that is, they were not protected from getting hepatitis. They only sacrificed and suffered a harmful invasion of their bodies. They were under no obligation to make such a sacrifice; they did not "owe" it to "humanity" nor did "mankind" have a right to that sacrifice.

It seems crystal clear then that their purposes were not consulted, let alone respected, their ends were completely ignored and, hence, that they were treated "as a means only." Consequently, the Willowbrook experiments, if their only justification were the appeal to benefits to humanity, would offend against the restriction embodied in the very first point set down in the AMA "Principles of Medical Ethics:" "The principle objective of the medical profession is to render service to humanity with full respect for the dignity of man."

It seems clear then that the signifi-