ILL-GOTTEN GAINS

THE STORY

Late in 1981 a reporter for a large metropolitan newspaper (we’ll call her Karen) to protect her interest in remaining anonymous) gained access to some previously classified government files. Using the Freedom of Information Act, Karen was investigating the federal government’s funding of research into the short- and long-term effects of exposure to radioactive waste. It was with understandable surprise that, included in these files, she discovered the records of a series of experiments involving the induction and treatment of coronary thrombosis (heart attack). Conducted over a period of fifteen years by a renowned heart specialist (we’ll call him Dr. Ventricile) and financed with federal funds, the experiments in all likelihood would have remained unknown to anyone outside Dr. Ventricile’s sphere of power and influence had not Karen chanced upon them.

Karen’s surprise soon gave way to shock and disbelief. In case after case she read of how Ventricile and his associates took otherwise healthy individuals, with no previous record of heart disease, and intentionally caused their heart to fail. The methods used to occasion the “attack” were a veritable shopping list of experimental techniques, from massive doses of stimulants (adrenaline was a favorite) to electrical damage of the coronary artery, which, in its weakened state, yielded the desired thrombosis. Members of Ventricile’s team then set to work testing the efficacy of various drugs developed in the hope that they would help the heart withstand a second “attack.” Dosages varied, and there were the usual control groups. In some cases, certain drugs administered to “patients” proved more efficacious than cases in which others received no medication or smaller amounts of the same drugs.

The research came to an abrupt end in the fall of 1981, but not because the project was judged unpromising or because someone raised a hue and cry about the ethics involved. Like so much else in the world at that time, Ventricile’s project was a casualty of austere economic times. There simply wasn’t enough federal money available to renew the grant application.


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One would have to forsake all the instincts of a reporter to let the story end there. Karen persevered and, under false pretenses, secured an interview with Ventricle. When she revealed that she had gained access to the file, knew in detail the largely fruitless research conducted over fifteen years, and was incensed about his work, Ventricle was dumbfounded. But not because Karen had unearthed the file. And not even because it was filed where it was (a "clerical error," he assured her). What surprised Ventricle was that anyone would think there was a serious ethical question to be raised about what he had done. Karen’s notes of their conversation include the following:

VENTRICLE: But I don’t understand what you’re getting at. Surely you know that heart disease is the leading cause of death. How can there be any ethical question about developing drugs which literally promise to be life-saving?

KAREN: Some people might agree that the goal—to save life—is a good, a noble end, and still question the means used to achieve it. Your “patients,” after all, had no previous history of heart disease. They were healthy before you got your hands on them.

VENTRICLE: But medical progress simply isn’t possible if we wait for people to get sick and then see what works. There are too many variables, too much beyond our control and comprehension. If we try to do our medical research in a clinical setting, the history of medicine shows how hopeless that approach is.

KAREN: And, I read, too, that upon completion of the experiment, assuming that the “patient” didn’t die in the process—it says that those who survived were “sacrificed.” You mean killed?

VENTRICLE: Yes, that’s right. But always painlessly, always painlessly. And the body went immediately to the lab, where further tests were done. Nothing was wasted.

KAREN: And it didn’t bother you—I mean, you didn’t ever ask yourself whether what you were doing was wrong? I mean...

VENTRICLE: (interrupting). My dear young lady, you make it seem as if I’m some kind of moral monster. I work for the benefit of humanity and I have achieved some small success. I hope you will agree. Those who raise cries of wrongdoing about what I’ve done are well-intentioned but misguided. After all, I use animals in my research—chimpanzees, to be more precise—not human beings.

THE POINT

The story about Karen and Dr. Ventricle is just that—a story, a small piece of fiction. There is no real Dr. Ventricle, no real Karen, and so on. But there is widespread use of animals in scientific research, including research like our imaginary Dr. Ventricle’s. So the story, while its details are imaginary—while it is, let it be clear, a literary device, not a factual account—is a story with a point. Most people reading it would be morally outraged if there actually were a Dr. Ventricle who did coercive research of the sort described in otherwise healthy human beings. Considerably fewer would raise a morally quizzical eyebrow when informed of such research done on animals, chimpanzees, or whatever. The story has a point, or so I hope, because, catching us off-guard, it brings the difference home to us, gives it life in our experience, and, in doing so, reveals something about ourselves, something about our own constellation of values. If we think what Ventricle did would be wrong if done to human
THE LAW

Among the difference between chimps and humans, one concerns their legal standing. It is against the law to do to human beings what Ventris did to his chimpanzees. It is not against the law to do this to chimps. So, here we have a difference. But a morally relevant one?

The difference in the legal status of chimps and humans would be morally relevant if we had good reason to believe that what is legal and what is moral go hand in hand: where we have the former, there we have the latter (and maybe vice versa too). But a moment's reflection shows how bad the fit between legality and morality sometimes is. A century and a half ago, the legal status of black people in the United States was similar to the legal status of a horse, cow, or barn: they were property, other people's property, and could legally be bought and sold without regard to their personal interests. But the legality of the slave trade did not make it moral, any more than the law against drinking, during the era of that "great experiment" of Prohibition, made it immoral to drink. Sometimes it is true, what the law declares illegal (for example, murder and rape) is immoral, and vice versa. But there is no necessary connection, no pre-established harmony, between morality and the law. So, yes, the legal status of chimps and humans differs, but that does not show that their moral status does. Their difference in legal status, in other words, is not a morally relevant difference and will not morally justify using these animals, but not humans, in Ventris's research.

THE VALUE OF THE INDIVIDUAL

[An] alternative vision [to utilitarian value] consists in viewing certain individuals as themselves having a distinctive kind of value, what we will call "inherent value." This kind of value is not the same as, is not reducible to, and is not commensurable either with such values as preference satisfaction or frustration (that is, mental states) or with such values as artistic or intellectual talents (that is, mental and other kinds of excellences or virtues). We cannot, that is, equate or reduce the inherent value of an individual to his or her mental states or virtues, and neither can we intelligibly compare the two. In this respect, the three kinds of value (mental states, virtues, and the inherent value of the individual) are like proverbial apples and oranges.

They are also like water and oil: they don't mix. It is not only that [a man's] inherent value is not the same as, is not reducible to, and is not commensurable with his satisfaction, pleasures, intellectual and artistic skills, etc. In addition, his inherent value is not the same as, is not reducible to, and is not commensurable with the valuable mental states or talents of other individuals, whether
taken singly or collectively. Moreover, and as a corollary of the preceding, the individual's inherent value is in all ways independent both of his or her usefulness relative to the interest of others and of how others feel about the individual (for example, whether one is liked or admired, despised or merely tolerated). A prince and a pauper, streetwalker and a nun, those who are loved and those who are forsaken, the genius and the retarded child, the artist and the philistine, the most generous philanthropist and the most unscrupulous used car salesman—all have inherent value, according to the view recommended here, and all have it equally.

**WHAT DIFFERENCE DOES IT MAKE?**

To view the value of individuals in this way is not an empty abstraction. To the question, "What difference does it make whether we view individuals as having equal inherent value, or as utilitarians do, as lacking such value, or, as perfectionists do, as having some value but to varying degree?"—our response to this question must be, "It makes as the moral difference it would." Morally, we are always required to treat those who have inherent value in ways that display proper respect for their distinctive kind of value, and though we cannot on this occasion either articulate or defend the full range of obligations tied to this fundamental duty, we can note that we fail to show proper respect for those who have such value whenever we treat them as if they were mere receptacles of value or as if their value was dependent on, or reducible to, their possible utility relative to the interests of others. In particular, therefore, Ventris would fail to act as duty requires—would, in other words, do what is morally wrong—if he conducted his coronary research on competent human beings, without their informed consent, on the grounds that the research just might lead to the development of drugs or surgical techniques that would benefit others. That would be to treat these human beings as mere receptacles or mere medical specimens for others, and though Ventris might be able to do this and get away with it, and though others might benefit as a result, that would not alter the nature of the grievous wrong he would have done. And it would be wrong, not because (or only if) there were utilitarian considerations, or contractarian considerations, or perfectionist considerations against his doing his research on these human beings, but because it would mark a failure on his part to treat them with appropriate respect. To ascribe inherent value to competent human beings, then, provides us with the theoretical hermeneutical standard to ground our moral case against using competent human beings, against their will, in research like Ventris's.

**WHO HAS INHERENT VALUE?**

If inherent value could not necessarily be limited to competent human beings, then we would have to look elsewhere to resolve the ethical issues involved in using other individuals (for example, chimpanzees) in medical research. But inherent value can, only be limited to competent human beings by having the resource to one arbitrary maneuver or another. Once we recognize that we have direct duties to competent and incompetent humans as well as to animals such as chimpanzees, once we recognize the challenge to give a sound theoretical basis for these duties in the
of these humans and animals; once we recognize the failure of indirect duty, contratstanian, and utilitarian theories of obligation; once we recognize that the inherent value of competent humans precludes using them as mere resources in such research; once we recognize that perfectionism vision of morality, one that assigns degrees of inherent value on the basis of possession of favored virtues, is unacceptable because of its egalitarian implictions, and one we recognize that moralit simply will not tolerate double standards, then we cannot, except arbitrarily, withhold assigning inherent value, to an equal degree, to incompetent humans and animals such as chimpanzees. All have this value, in short, and all have it equally. All considered, this is an essential part of the most adequate total vision of morality. Morally none of those having inherent value may be used in Verricle-like research (research that puts them at risk of significant harm in the name of securing benefits for others, whether those benefits are realized or not). And none may be used in such research because to do so is to treat them as if their value is somehow reducible to their possible utility relative to the interests of others, or as if their value is somehow reducible to their value as "receptacles." What contratstanianism, utilitarianism, and the other "isms" discussed earlier will allow is not morally tolerable.

HURTING AND HARMING

The prohibition against research like Verricle's, when conducted on animals such as chimps, cannot be avoided by the use of anesthetics or other palliatives used to eliminate or reduce suffering. Other things being equal, to cause an animal to suffer is to harm that animal—is, that is, to diminish that individual animal's welfare. But these two notions—harming on the one hand and suffering on the other—differ in important ways. An individual's welfare can be diminished independently of causing her to suffer, as when, for example, a young woman is reduced to a "vegetable" by painlessly adminitrering a debilitating drug to her while she sleeps. We may ask what famous remark is here noted and then deny that harm has been done to her, though she suffers not. More generally, harms, understood as reductions in an individual's welfare, can take the form either of infections (gross physical suffering is the clearest example of a harm of this type) or depressions (prolonged loss of physiological freedom is a clear example of a harm of this kind). Not all harms hurt, in other words, just as not all hurts harm.

Viewed against the background of these ideas, an unhurting death is seen to be the ultimate harm for both humans and animals, such as chimpanzees, and it is the ultimate harm for both because it is their ultimate deprivation or loss—their loss of life itself. Let the means used to kill chimpanzees be as "humane" (a cruel word, this) as you like. That will not erase the harm that an inhumanly death is for these animals. True, the use of anesthetics and other "humane" steps lessens the wrong done to these animals, when they are "sacrificed" in Verricle-type research. But a lesser wrong is not a right. To do research that culminates in the "sacrifice" of chimpanzees or other puts these and similar animals at risk of losing their life, in the hope that we might learn something that may benefit others, is morally to be condemned, however "humane" that research may be in other respects.

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THE CRITERION OF INHERENT VALUE

It remains to be asked, before concluding, what underlies the possession of inherent value. Some are tempted by the idea that life itself is inherently valuable. This view would authorize attributing inherent value to chimpanzees, for example, and so might and favor with some people who oppose using these animals in research. But this view would also authorize attributing inherent value to anything and everything that is alive, including, for example, craggrass, lice, bacteria, and cancer cells. It is exceedingly unclear to put the point as mildly as possible, either that we have a duty to treat these things with respect or that any clear sense can be given to the idea that we do.

More plausible by far is the view that those individuals have inherent value who are the subject of a life—this is, the experiencing subjects of a life that fares well or ill for them over time, those who have an individual experiential subject, logically independent of their utility relative to the interests or welfare of others. Competent humans are subjects of a life in this sense. But so, too, are those incompetent humans who have concerned us. And so, too, and not unimportantly, are chimpanzees. Indeed, so too are the members of many species of animals: cats and dogs, monkeys and sheep, otates and wolves, horses and cattle. Where one draws the line between those animals who are and those who are not, subjects of a life is certain to be controversial. Still there is abundant reason to believe that the members of mammalian species of animals do have a psychophysical identity over time, do have an experiential life, do have an individual welfare. Common sense is on the side of viewing these animals in this way, and ordinary language is not strained in talking of them as individuals who have an experiential welfare. The behavior of these animals, moreover, is consistent with regarding them as subjects of a life, and the implications of evolutionary theory are that there are many species of animals whose members are, like the members of the species Homo sapiens, experiencing subjects of a life of their own, with an individual welfare.

On these grounds, then, we have very strong reason to believe, even if we lack conclusive proof, that these animals meet the subject-of-a-life criterion.

If, then, those who meet this criterion have inherent value, and have it equally relative to all who meet it, chimpanzees and other animals who are subjects of a life, not just human beings, have this value and have neither more nor less of it than we do. (To hold that they have less than we do is to land oneself in the utilitarian swamp of perfectionism.) Moreover, if, as has been argued, having inherent value morally bars others from treating those who have it as mere receptorist or as mere resources for others, then any and all medical research like Ventricile's, done on these animals in the name of passively benefiting others, stands morally condemned. And it is not only cases in which the benefits for others do not materialize that are condemnable; also to be condemned are cases, such as the research done on chimps regarding hepatitis, for example, in which the benefits for others are genuine. In these cases, as in others like them in the relevant respects, the ends do not justify the means. The many millions of mammalian animals used each year for scientific purposes, including medical
CONCLUSIONS

This condemnation of such research probably is at odds with the judgment that most people would make about this issue. If we had good reason to assume that the truth always lies with what most people think, then we could look approvingly on Ventrice-like research done on animals like chimps in the name of benefits for others. But we have no good reason to believe that the truth is to be measured plausibly by majority opinion, and what we know of the history of prejudice and bigotry speaks powerfully, tightly, against this view. Only the cumulative force of informed, fair, rigorous argument can decide where the truth lies, or most likely lies, when we examine a controversial moral question. Although openly acknowledging and, indeed, insisting on the limitations of the arguments..., these arguments make the case, in broad outline, against using animals such as chimps in medical research such as Ventrice's.

Those who oppose the use of animals such as chimps in research like Ventrice's and who accept the major themes advanced here, oppose it, then, not because they think that all such research is a waste of time and money, or because they think that it never leads to any benefits for others, or because they view those who do such research as, to use Ventrice's words, "morally insensible," or even because they love animals. None of us who condemn such research do so because this research is not possible except at the grave moral price of failing to show proper respect for the value of the animals who are used. Since, whatever our gains, they are ill-gotten, we must bring to an end research like Ventrice's, whatever our losses. A fair measure of our moral integrity will be the extent of our resolve to work against allowing our scientific, economic, health, and other interests to serve as a reason for the wrongful exploitation of members of species of animals other than our own.