

Book reviews

The Nazi doctors and the Nuremberg Code: human rights in human experimentation

Edited by George J Annas and Michael A Grodin, New York, Oxford University Press, 1992, 371 pages, £25.00

Those involved in medical research on humans and its regulation take, from time to time, a hurried look back at the dark and fearful days of the Third Reich, wondering whether the activities of today bear any resemblance at all to those of the physicians working in Hitler's Germany. Most of us have insufficient knowledge of the details of what went on, and have thought too little about the justifications that were given at the famous doctors' trial at Nuremberg, to be able to make a sound comparison (or contrast). The arguments remain hazy yet the spectre of Nazi-style activities is frequently raised. This laudable collection of essays does much to dispel the confusion and put the whole episode in a proper perspective for those of us who need to know.

It is divided into three sections: the first looks at the involvement of physicians as a professional group in the sinister intentions of the Nazi social and racial policy. The evidence (some of which is relatively new) indicates there was a great involvement. Far from being forced to comply with Nazi laws on sterilization, euthanasia and the notorious Nuremberg laws, physicians were instrumental in their conception, planning and administration. Robert N Proctor, the author of the first of the essays on this subject, muses: 'Given the effort to destroy entire peoples, and given the medical complicity in Nazi racial crime, it is hardly surprising that physicians attempted to exploit concentration

camp inmates as subjects in human experimentation'.

There follows a first-hand account of some of the Nazi experimentation by a surviving 'Mengele twin'. Having described the horror, Eva Mozes-Kor then questions whether the Nazi doctors were wrong because of the physical harm they did or wrong because of the violation of human dignity by treating the twins merely as a means. She concludes that the real crime was in the latter - the total lack of respect for their autonomy.

The second section consists of source documents of the Nuremberg Trial, providing a fascinating account of the accusations, justifications and judgments.

Michael A Grodin in 'Historical Origins of the Nuremberg Code', sets the code in the context of the Nuremberg trials. He shows that although its form and content, in particular the primacy of informed consent, were in response to the particular circumstances, it is still of relevance today. Its sources are many: the writings of Percival, Beaumont and Bernard; early German guidelines on human experimentation were considered. Andrew Ivy and Leo Alexander were the primary compilers; their memo to the judges was mostly but not entirely used, and the judges added notes of their own.

The final section analyses the role the code has today in international and US law and in medical ethics. The consent principle, of such primary importance in the code, is relegated to ninth place in the Helsinki Declaration, which has taken the place of the Nuremberg Code as the universally accepted code governing medical research. One essay discusses ethical relativism and imperialism, and makes a case for moral progress. Another questions the use of analogies to the Holocaust in contemporary ethical debates. A third looks at editorial responsibility, and the additional check on ethical standards which can

be provided by the editors of academic journals. A fourth looks at the effect that AIDS activists have had on assumptions about what is good medical research. In conclusion the two editors ask what the next appropriate step should be, and propose that the United Nations should establish a mechanism for the more adequate control of research.

In all, this volume of essays is well worth reading.

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If I were a rich man could I buy a pancreas?

Arthur L Caplan, Bloomington and Indianapolis, Indiana University Press, 1993, 348 pages, £25

In this wide-ranging collection of essays in applied ethics Arthur L Caplan examines the moral issues involved in human and animal experimentation, new ethical problems in reproduction and genetics, the human genome project, problems arising out of policies for the procurement and allocation of organs, clinical issues in therapy for the elderly, chronic illness, and the moral issues raised by the increasing costs of health care. The title essay is an important contribution to the current debate over organ procurement and contains a damning attack on the inequities of the US system of organ allocation. There is also a useful assessment of the impact of living wills and other advance directives in the US which could be instructive to the current debate over living wills in the UK. According to Caplan living wills have failed to protect autonomy, are unpopular with patients and medical staff (less than ten per cent of the US population