MEDICAL-MORAL DILEMMA:
Experimentation on Children
(EIGHTH OF A SERIES)

CASE: Nontherapeutic experimentation on children is a particularly vexing issue in medical ethics. On the one hand, the child is helpless to refuse such experimentation, and the parents or guardians have the fiduciary responsibility to act for the child's benefit. On the other hand, such experimentation can reveal urgently needed information regarding the unique aspects of the developing child's biochemical and physiological systems. The question at issue is whether it is ever permissible to conduct experimentation on a child who cannot reasonably be expected to benefit from the knowledge gained; and if so, what degree of risk is permissible?

NEGATIVE: Paul Ramsey contends that nontherapeutic experimentation on children or other incompetents is never justified for any reason since it lacks an absolutely indispensable precondition, the consent of the experimental subject. Ramsey explains that since any experimentation not expected to benefit the experimental subject requires that subject's informed consent, then nontherapeutic experimentation on children requires their informed consent. However, such consent is impossible because only adults can give informed consent. Therefore, to perform nontherapeutic experiments on children would be to presume that they are adults, which, obviously, they are not. (Ramsey, The Patient as Person, Yale University Press, New Haven, 1970, pp. 11-19.)

AFFIRMATIVE: Richard McCormick's response to Ramsey's position is that the presumption of consent is not a violent or false one but is based on perfectly reasonable considerations. McCormick sees human beings first and foremost not as isolated individuals but as members of a moral community which includes children and other incompetents as well as mature adults. Father McCormick believes that in some instances of experimentation on children it is reasonable to presume their consent on the grounds that they would consent if they could because they ought to. If the nature of an experiment is such that the individual ought to consent to it, then his consent may be presumed, in the belief that he would consent if he could. This criterion, however, does not permit just any kind of experimentation on children. Many experiments are so high risk that a person is not morally expected to consent to them. (This is far different from saying that he ought not to consent.) In such cases, consent to experimentation would be beyond the call of duty, an act of self-giving love. Such consent would be highly commendable but not demanded as a matter of justice. Experiments of this type ought not to be performed on children, but experiments that are a matter of justice may be performed on children and their consent legitimately presumed. (McCormick, "Proxy Consent in the Experimental Situation," Perspectives in Biology and Medicine, 18 (1974), pp. 2-20.)

MODIFIED AFFIRMATIVE: It is contrary to all canons of medical ethics to experiment on a child without his consent, even if he ought to consent. Even if his refusal is unreasonable and betrays a lack of moral concern, that refusal is definitive. McCormick's position appears to constitute an injustice to the child. His position would seem to suggest that the child's inability to consent be exploited by subjecting him to experiments because he ought to consent, even though that belief would not justify subjecting an adult to experimentation. McCormick's criterion of presumed consent on the basis of what a child ought to do seems to justify too much and to constitute a violation of the fiduciary relationship between parent and child.

In spite of these criticisms of McCormick's position, it may be possible to avoid Ramsey's extreme position and to justify some forms of experiment.

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