Review Article

Medical Ethics in Peace and War: An Historical Perspective

Emmanouil MAGIORKINIS, Christos BISSIAS, Nikolaos PETROGIANNIS, Aristidis DIAMANTIS*

Affiliation of the authors:
Office for the Study of History of Hellenic Naval Medicine, Naval Hospital of Athens

Corresponding author:
Captain Aristidis Diamantis, MD, PhD, HN
2 Karaiskaki, 15562, Cholargos,
Athens, Greece.
Tel: +30-210-6526711
E-mail: aristidis.diamantis@gmail.com
Abstract
The purpose of this study was to explore the historical perspective of the conflict between the humanitarian role of Medicine and the role of military doctors during periods of warfare. Historical archives and reports were researched and an extensive research in available literature was also conducted. Hippocrates, the father of medicine, with his oath sets a highly ethical professional code dictating that Medicine is the profession which “saves lives and eases pain” whenever this is possible, without discriminating between friends and enemies. Military doctors face the dilemma between their humanitarian role as implied by the Hippocratic oath and their military role implied by patriotism and the duty to the Fatherland. Louis Pasteur in his oration at the dedication of the Pasteur Institute in Paris, on November 14, 1888 stressed the contradiction between the law of blood and death which is implied during warfare and the law of work and health which is implied during peace. WW II Nazi medical atrocities and the Nuremberg medical trial (NMT) was the trigger that led to the formation of a medical ethics code and a military medical code, especially regarding issues on human experimentation and euthanasia. Research on biological warfare and medical issues in the war against terrorism are the current «hot topics» of medical military ethics.

Key-Words:
Medical ethics, history, Hippocrates, moral, Pasteur, Nuremberg medical trial

Medical Ethics in Peace and War during Antiquity

The first texts regarding medical ethics are found in the written laws of ancient Assyrians and civilizations of Mesopotamia; the first written law regarding the practice of medicine during peace dates back to the age of the Hammurabi code (1,760 BC) [1].

Within the Hamurambi code (Figure 1), one can find specific references to the medical rewards: “If a surgeon has cured the limb of a patrician or has doctored a diseased bowel, the patient shall pay five shekels of silver to the surgeon. If he be a plebeian, he shall pay three shekels of silver. If he be a man's slave, the owner of the slave shall give two shekels of silver to the doctor”. Punishments for medical malpractice are equally strict: “If a surgeon has operated with the bronze lancet on a patrician for a serious injury, and has caused his death, or has removed a cataract for a patrician, with the bronze lancet, and has made him lose his eye, his hands shall be cut off. If the surgeon has treated a serious injury of a plebeian's slave, with the bronze lancet, and has made him lose his eye, his hands shall be cut off. If the surgeon has treated a serious injury of a plebeian's slave, with the bronze lancet, and has made him lose his eye, he shall pay half his value” [2]. It is reasonable to assume that those written laws are not the intellectual product of the mind of a legislator but, rather, the registration of common practices established in the everyday life of those civilizations.

In Ancient Greece, according to the Greek philosopher Heraclitus of Ephesus (535–475 BC), War was considered as: War is the father of all and king of all, who manifested some as gods and some as men, who made some slaves and some freemen. (Πόλεμος πάντων πατήρ εστί, πάντων δὲ βασιλεύς, καὶ τοὺς μὲν θεοὺς ἔδειξε τοὺς δὲ
Hippocrates (Figure 3) (460–370 BC), the father of medicine, with his oath [2] sets a highly ethical professional code dictating that Medicine is the profession which saves lives and eases pain whenever this is possible, without discriminating between friends and enemies: I swear by Apollo, Asclepius, Hygieia, and Panacea, and I take to witness all the gods, all the goddesses, to keep according to my ability and my judgment, the following Oath. To consider dear to me, as my parents, him who taught me this art; to live in common with him and, if necessary, to share my goods with him; To look upon his children as my own brothers, to teach them this art. I will prescribe regimens for the good of my patients according to my ability and my judgment and never do harm to anyone. I will not give a lethal drug to anyone if I am asked, nor will I advise such a plan; and similarly I will not give a woman a pessary to cause an abortion. But I will preserve the purity of my life and my arts. I will not cut for stone, even for patients in whom the disease is manifest; I will leave this operation to be performed by practitioners, specialists in this art. In every house where I come I will enter only for the good of my patients, keeping myself far from all intentional ill-doing and all seduction and especially from the pleasures of love with women or with men, be they free or slaves. All that may come to my knowledge in the exercise of my profession or in daily commerce with men, which ought not to be spread abroad, I will keep secret and will never reveal. If I keep this oath faithfully, may I enjoy my life and practice my art, respected by all men and in all times; but if I swerve from it or violate it, may the reverse be my lot [4].

Hippocrates also suggested that doctors should follow military campaigns, since he considered that during wartime periods doctors could collect valuable experience on traumatology. Military doctors face the dilemma between their
humanitarian role as implied by the Hippocratic Oath and their military role implied by patriotism and the duty to the Fatherland.

Figure 3. Hippocrates (460-370 BC)

Various Greek philosophers dealt with the role of physicians in organized societies as well as medical ethics; except from Hippocrates, there are numerous references in Plato and Aristoteles (The Republic, Laws, Timaeus, Symposium, Nicomachean Ethics) all culminating to the same advice for the physicians: not to commit ‘Hybris’ against mother Nature. Aristotle advises physicians to abandon all efforts to save a patient who suffers from incurable illness, supporting euthanasia in some terminal cases [5].

During the Middle Ages and the early scientific period, Arab doctors are occupied with Medical ethics. One of the most eminent Arab doctors, Abū Ḥāmed Muhammad ibn Muḥammad Ghazālī – known as Al-Ghazali (1058–1111 AD) referring to death and to the role of physician, says [6]:

God has created the spirit of man out of a drop of his own light; its destiny is to return to Him. Do not deceive yourself with the vain imagination that it will die when the body dies. The form you had on your entrance into this world, and your present form are not the same; hence, there is no necessity of your perishing on account of the perishing of your body. Your spirit came into this world a stranger; it is only sojourning in a temporary home. From the trials and tempests of this troublesome life, our refuge is in God. In reunion with Him we shall find eternal rest - rest without sorrow, joy without pain, strength without infirmity, knowledge without doubt, a tranquil and yet an ecstatic vision of the source of life and light and glory, the source from which we came.

Referring to medical ethics, one of the most important figures in Arab medicine is Ishaq ibn Ali Rahawi (854–931 A.D); his famous treatise Adab al-tabib (Code of physician) [7] is one of the first manuscript in medical ethics. In this book, Rahawi labels physicians as "guardians of souls and bodies" and in this treatise he spells out all the deeds and acts a Muslim physician must observe. Arab medicine constitutes a dim light of hope in the Dark Ages: Muslim hospitals served people irrespective of religion, colour or background, by staff that operated on a completely equal footing, whether Christians, Jews or other minorities. A Muslim doctor was also identified as 'Hakim', which in Arabic translates as 'wise'. Hence, unlike secular medicine today, Muslim practitioners did not perform abortions or sex change operations. In Rahawi's book there are twenty chapters, which include:

- What the physician must avoid and beware of,
- The manners of visitors,
The care of remedies by the physician,
The dignity of the medical profession,
The examination of physicians, and
The removal of corruption among physicians.

Muhammad Ibn Zakariyā Rāzī (865-925 A.D.) - known as Rhazes - referring to medical ethics, said: "The doctor's aim is to do good, even to our enemies, so much more to our friends, and my profession forbids us to do harm to our kindred, as it is instituted for the benefit and welfare of the human race, and God imposed on physicians the oath not to compose mortiferous remedies [8]."

Figure 4. Mosheh ben Maimon (1135-1204 AD)

One can find traces of medical ethics in Jewish and Christian texts. In Jewish texts there are references to medical issues such as abortion, artificial insemination, cerebral death, cosmetic surgery, euthanasia, genetic control, dangerous medical operations, the procedure of circumcision (metzitzah b'peh), organ donation, psychiatric care and smoking cigarettes. Among the most eminent Jewish spiritual leaders was Rabbi Moses ben Maimon (1135-1204 A.D.) known also as Maimonides (Figure 4) who wrote "The Code of Maimonides (Mishneh Torah), a code of Jewish religious law [9]. One can distinguish the deep influence of the Catholic Church in texts from various philosophers of the Middle Ages, such as those by St. Thomas Aquinas (1225-1274); the metaphysical references to the vague Divine Punishment, the Heaven and Hell are more than evident. The ethics of St. Thomas Aquinas emphasized the cultivation of virtues proper to the human person, understanding this as the way to achieve the good and happy life [10].

During the 18th and the 19th century, Medical ethics resurfaced as a separate branch of science and philosophy. Thomas Percival (1740-1804) (Figure 5), a British physician, was the first to refer to the term 'medical ethics', by publishing his book "Code of Medical Ethics," in the year 1803 [11]. At nearly the same time, medical students attending the University of Pennsylvania, began to be lectured by physician Benjamin Rush regarding the importance of medical ethics [12]. Percival's guidelines relating to physician consultations have been criticized as being excessively protective of the home physician's reputation. Jeffrey Berlant is one such critic who considers Percival's codes of physician consultations as being an early example of the anti-competitive, guild-like nature of the physician community [13]. In 1847, the American Medical Association adopted its first code of ethics, with this being based in large part upon Percival's work.

Louis Pasteur (1822-1895) (Figure 6) in his oration at the dedication of the Pasteur Institute in Paris, on November 14, 1888 stressed the contradiction between the law of blood and death which is implied during warfare and
the law of work and health which is implied during peace:

Two contrary laws seem to be wrestling with each other nowadays; the one, a law of blood and death, ever imagining new means of destruction and forcing nations to be constantly ready for the battle field- the other, a law of peace, work and health ever evolving new means of delivering man from the scourges which beset him. The one seeks violent conquests, the other the relief of humanity. The latter places one human life above any victory; while the former would sacrifice hundreds and thousands of lives to the ambition of one. The law of which we are the instruments seeks, even in the midst of conflict, to cure the sanguinary ills of the law of war; the treatment inspired by our antisepptic methods may preserve thousands of soldiers. Which of these two laws will ultimately prevail, God alone knows. But we may assert that French Science will have tried, by obeying the law of Humanity, to extend the frontiers of Life.

Indeed, the law of humanity vs. the law of the jungle, the law of health vs the law of disease, the law of life vs the law of death. A tremendous contrast noted by a pioneer of Medicine!

Although medical codes can be traced back to the Hamurabi law and wars back to the early beginnings of the human existence, the medical atrocities that took place in concentration camps and clinics under the Nazi regime and the Nuremberg medical trial (NMT) (Figure 7) were the trigger that led to the formation of a medical ethics code and a military medical code, especially regarding issues on human experimentation and euthanasia. The so-called Doctor’s trial—officially United States of America v. Karl Brandt, et al.—was the first of 12 trials for war crimes that the United States authorities held in their occupation zone in Nuremberg, Germany after the end of World War II. The accused faced 4,000 charges, including:
Figure 7. The Nuremberg Trial

1. Conspiracy to commit war crimes and crimes against humanity as described in counts 2 and 3;
2. War crimes: performing medical experiments, without the subjects' consent, on prisoners of war and civilians of occupied countries, in the course of which experiments the defendants committed murders, brutalities, cruelties, tortures, atrocities, and other inhuman acts. Also, planning and performing the mass murder of prisoners of war and civilians of occupied countries, stigmatized as aged, insane, incurably ill, deformed, and so on, by gas, lethal injections, and diverse other means in nursing homes, hospitals and asylums during the Euthanasia Program and participating in the mass murder of concentration camp inmates.
3. Crimes against humanity: committing crimes described under count 2 also on German nationals.
4. Membership in a criminal organization, the SS.

Of the 23 defendants, seven were acquitted and seven received death sentences; the remainder received prison sentences ranging from 10 years to life imprisonment [15]. A result of the Nuremberg trial was the Nuremberg Code (1947), a set of research ethics principles for human experimentation. Twenty years later, the World Medical Association (WMA) developed The Declaration of Helsinki [16], as a set of ethical principles for the medical community regarding human experimentation, which is widely regarded as the cornerstone document of human research ethics [17, 18]. It is not a legally binding instrument in international law, but instead draws its authority from the degree to which it has been codified in, or influenced, national or regional legislation and regulations [19]. In parallel with the Declaration of Helsinki, the General Assembly of the World Medical Association adopted the declaration of Geneva in 1948 which was amended in 1968, 1984, 1994, 2005 and 2006. It is a declaration of physicians' dedication to the humanitarian goals of medicine, a declaration that was especially important in view of the medical crimes which had just been committed in Nazi Germany. The Declaration of Geneva [20], as currently amended, reads:

At the time of being admitted as a member of the medical profession:
- I solemnly pledge to consecrate my life to the service of humanity;
- I will give to my teachers the respect and gratitude that is their due;
- I will practice my profession with conscience and dignity;
- The health of my patient will be my first consideration;
- I will respect the secrets that are confided in me, even after the patient has died;
- I will maintain by all the means in my power, the honor and the noble traditions of the medical profession;
- My colleagues will be my sisters and brothers;
- I will not permit considerations of age, disease or disability, creed,
ethnic origin, gender, nationality, political affiliation, race, sexual orientation, social standing or any other factor to intervene between my duty and my patient;

- I will maintain the utmost respect for human life;
- I will not use my medical knowledge to violate human rights and civil liberties, even under threat;
- I make these promises solemnly, freely and upon my honor.

Medical ethics was also complemented by the Belmont Report, which was created by the former US Department of Health, Education and Welfare and was entitled Ethical Principles and Guidelines for the Protection of Human Subjects of Research; it was authored by Dan Harms [21]. Today the Belmont Report serves as an historical document and provides the moral framework for understanding regulations in the United States on the use of humans in experimental research. Research on biological weapons, bio-terrorism, human cloning and human experimentation in large scale clinical trial are the hot topics of medical ethics today.

References


20. The Declaration of Geneva available online at http://www.wma.net/en/30publications/10policies/g1/.