

Nuremberg Code

The **Nuremberg Code** is a set of research ethics principles for human experimentation set as a result of the Subsequent Nuremberg Trials at the end of the Second World War.

Background

On August 19, 1947, the judges delivered their verdict in the "Doctors' Trial" against Karl Brandt and several others. They also delivered their opinion on medical experimentation on human beings. Several of the accused had argued that their experiments differed little from pre-war ones and that there was no law that differentiated between legal and illegal experiments.

In April of the same year, Dr. Leo Alexander had submitted to the Counsel for War Crimes six points defining legitimate medical research. The trial verdict adopted these points and added an extra four. The ten points constituted the "Nuremberg Code". Although the legal force of the document was not established and it was not incorporated directly into either the American or German law, the Nuremberg Code and the related Declaration of Helsinki are the basis for the Code of Federal Regulations Title 45 Volume 46 [1], which are the regulations issued by the United States Department of Health and Human Services governing federally funded research in the United States. In addition, the Nuremberg code has also been incorporated into the law of individual states such as California, and other countries.

The Nuremberg code includes such principles as informed consent and absence of coercion; properly formulated scientific experimentation; and beneficence towards experiment participants.

The ten points of the Nuremberg Code

The ten points are, (all from United States National Institutes of Health) [2]

1. The voluntary consent of the human subject is absolutely essential. This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him/her to make an understanding and enlightened decision. This latter element requires that before the acceptance of an affirmative decision by the experimental subject there should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonable to be expected; and the effects upon his health or person which may possibly come from his participation in the experiment.

The duty and responsibility for ascertaining the quality of the consent rests upon each individual who initiates, directs or engages in the experiment. It is a personal duty and responsibility which may not be delegated to another with impunity.

2. The experiment should be such as to yield fruitful results for the good of society, unprocurable by other methods or means of study, and not random and unnecessary in nature.

3. The experiment should be so designed and based on the results of animal experimentation and a knowledge of the natural history of the disease or other problem under study that the anticipated results will justify the performance of the experiment.

4. The experiment should be so conducted as to avoid all unnecessary physical and mental suffering and injury.

5. No experiment should be conducted where there is a prior reason to believe that death or disabling injury will occur; except, perhaps, in those experiments where the experimental physicians also serve as subjects.

6. The degree of risk to be taken should never exceed that determined by the humanitarian importance of the problem to be solved by the experiment.
7. Proper preparations should be made and adequate facilities provided to protect the experimental subject against even remote possibilities of injury, disability, or death.
8. The experiment should be conducted only by scientifically qualified persons. The highest degree of skill and care should be required through all stages of the experiment of those who conduct or engage in the experiment.
9. During the course of the experiment the human subject should be at liberty to bring the experiment to an end if he has reached the physical or mental state where continuation of the experiment seems to him to be impossible.
10. During the course of the experiment the scientist in charge must be prepared to terminate the experiment at any stage, if he has probable cause to believe, in the exercise of the good faith, superior skill and careful judgment required of him that a continuation of the experiment is likely to result in injury, disability, or death to the experimental subject.

Reprinted from *Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10*, Vol. 2, pp. 181–182. Washington, D.C.: U.S. Government Printing Office, 1949. Note that complete electronic copies of the *Trials of War Criminals Before the Nuernberg [Nuremberg] Military Tribunals Under Control Council Law No. 10* ^[3] are available online, as are most of the other proceedings from the Nuremberg Trials ^[4].

See also

- Civil rights
- Declaration of Geneva
- Declaration of Helsinki
- Good clinical practice (GCP)
- Green report
- Human subject research
- Human experimentation in the United States
- Human rights
- Medical ethics
- Medical torture
- Hippocratic Oath
- Nuremberg Principles
- Universal Declaration of Human Rights
- World Medical Association (WMA)

References

- [1] http://www.access.gpo.gov/nara/cfr/waisidx_00/45cfr46_00.html
- [2] U.S. National Institutes of Health, Office of Human Subjects Research. "Nuremberg Code" (<http://ohsr.od.nih.gov/guidelines/nuremberg.html>). Retrieved on August 27, 2008.
- [3] (http://www.loc.gov/rr/frd/Military_Law/NTs_war-criminals.html) Trials of War Criminals Before the Nuernberg [Nuremberg] Military Tribunals Under Control Council Law No. 10 Retrieved on 30 March 2010.
- [4] (http://www.loc.gov/rr/frd/Military_Law/Nuremberg_trials.html) Nuremberg Trials. Retrieved on 30 March 2010.

Further reading

- Weindling, Paul: *Nazi Medicine and the Nuremberg Trials* (Palgrave, Basingstoke 2004)
- Schmidt, Ulf: *Justice at Nuremberg. Leo Alexander and the Nazi Doctors' Trial* (Palgrave, Basingstoke 2004)
- Schmidt, Ulf: *Karl Brandt. The Nazi Doctor. Medicine and Power in the Third Reich* (Continuum, London, 2007)

- Weindling, Paul (Spring 2001). "The Origins of Informed Consent: The International Scientific Commission on Medical War Crimes, and the Nuremberg Code" (http://www.geocities.com/travbailey/Paul_Weindling_The_Origins_of_Informed_Consent_Nuremburg_Code.htm). *Bulletin of the History of Medicine* **75** (1): 37–71. doi:10.1353/bhm.2001.0049. PMID 11420451.
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- BRITISH MEDICAL JOURNAL No 7070 Volume 313: Page 1448,7 December 1996.
- The Nuremberg Code (1947) In: Mitscherlich A, Mielke F. Doctors of infamy: the story of the Nazi medical crimes. New York: Schuman, 1949: xxiii-xxv.
- Carl Elliot's article Making A Killing in Mother Jones magazine September 2010 (<http://motherjones.com/environment/2010/09/dan-markingson-drug-trial-astrazeneca>) asks if the Nuremberg Code is a valid legal precedent in Minnesota

External links

- Nuremberg Code (<http://ohsr.od.nih.gov/guidelines/nuremberg.html>)
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