Vivian Weil's Commentary on "Much Obliged"

Commentary On
Much Obliged

This case is unusual in focusing on a relationship between a student and his laboratory director to raise questions about scientists' obligations to constituencies outside the lab, and to the public, alongside obligations within the lab. Tracing the evolution of the relationship from the student's entry into the lab to his eventual success in reaching his research goals, the narrative offers a relatively unproblematic history of the student's progress in graduate study. Until near the end when the lab director, Michael McCleary, must prepare the patent applications, he and the student, Larry Jones, seem to get along well and understand one another.

At this juncture, their perspectives diverge significantly. Apparently, Jones has been motivated all along by the desire to help conquer a genetic disease. By producing an improved characterization of the gene, he could create a genetic test to show whether an individual carries the mutant allele. While McCleary's lab does not put a major emphasis on this disease, McCleary is accommodating, either as a general policy or out of the realization that Jones's motivation to make an inroad on Kruese's disease may be productive. He promises Jones considerable flexibility concerning his research focus. His accommodation consists in no small part in helping Jones with funding, allotting funds to him from grants already in the lab, and supporting Jones's own applications for funding. One grant Jones manages to win comes from the American Society for the Prevention of Kruese's Disease (ASPKD), an award that allows him to live in relative comfort during his six years of research. McCleary also makes available in the lab an excellent team of technicians whose cooperation proves vital to Jones's success.

It is reasonable to argue that Jones has incurred an obligation to each of these sources of help, and perhaps to others. He is indebted to McCleary for taking him into the lab, for his guidance, for his substantial help with funding, and for making the technicians' assistance available, along with other lab resources. Jones has

obligations to all the agencies that contributed funding to his research: He owes them diligent, careful use of the research funds received. Does the obligation to ASPKD include making the outcome of his research available in some form to the Society? With no information about any arrangement between Jones and ASPKD on this matter, the reader cannot tell whether Jones owes ASPKD something more than diligence in his research. Apart from any explicit arrangement, he might think he owes the Society some kind of access to his results under certain conditions. If Jones has no sense of a special obligation to ASPKD, the question arises whether he should acknowledge such an obligation because this non-profit organization is devoted entirely to raising money to conquer Kruese's disease, and because it has allowed Jones to live in relative comfort as a graduate student. There is also a question of what obligation, if any, Jones has to society.For a forceful defense of broad obligations to society, see Kristen Shrader-Frechette, Ethics of Scientific Research (Rowman and Littlefield: Lanham, Md., 1994). For a critical evaluation of this volume, see review by V. Weil in Ethics (July 1996), pp. 879-881. He might wonder if he has a duty to facilitate health benefits to society from his research, especially if he has obtained grants of funding from government agencies. Finally, it may be that Jones now has an obligation to certain family members from whom he received specific support for carrying out his research.

McCleary's perspective is quite different. As a lab chief, he has a duty to look out for the interests of his lab: its continuing financial viability and the ongoing funding of productive graduate students. Equally important is the obligation to maintain an ethical climate in which understandings about appropriate conduct and their rationales are explicit and channels of communication are in place and well used. Because research results in the lab have potential for patenting, this lab director has an obligation to ensure not only that students are aware of policies that govern patenting but also that they have thoroughly discussed ethical issues associated with patenting. In the course of discussion, the lab director should ensure that pros and cons of patenting health related results are well considered.

McCleary himself may have settled views about patenting, but he must recognize that graduate students need opportunities, beginning early in their research, to consider the issues for themselves. Patenting is a relatively new component of graduate study, and for that reason alone it requires specific attention. Beyond that, the patenting of research results seems to violate common assumptions about the importance of openness in science and accessibility to research findings. McCleary

himself agrees with Jones that patents may hinder further research. In the case of health-related research results, social justice concerns about the increased costs from patenting and hence fair distribution of benefits add to the general concerns about availability of findings.

When McCleary brings up the matter of patenting, his top priority is the lab's funding support and prestige. In contrast, Jones's chief concern is the continuation of research that builds on his results. Whether or not discussion of patenting in the lab at earlier junctures prepared Jones for this moment, he and McCleary now have divergent priorities. It would be useful to open for discussion some of these issues that may or may not have been discussed earlier. One issue that should be considered concerns reasonable expectations of the ASPKD. In addition, Jones can discuss this matter with a representative of the Society. In the abstract, it might seem desirable for Jones to handle his results in such a way that they directly benefit the ASPKD and are available at lower cost to potential patients than patenting would permit. Yet from discussion, Jones may come to see that, in view of existing institutional arrangements that he has tacitly accepted, he has fulfilled his obligation to the Society by doing good research.

University policy excludes Jones from participation in the patent. The fairness of this policy is worth discussion. From the outside, it may seem unfair in view of the fact that the patent applies to the results of Jones's research. However, keeping in mind that Jones is indebted to McCleary for guidance, funding and other resources and that McCleary alone is writing the patent applications, we may judge that the policy does not work unfairly in this case. It may be reasonable, then, to say that, in accord with university policy, McCleary does not have an obligation to include Jones in the patent.

If Jones has incurred obligations to family members, he will have opportunities in the future to repay them for their support. He should not lose sight of those obligations even though they do not seem to pose interesting questions for discussion within the research group.

Remaining as an important matter for discussion is the issue of whether and to what extent patenting constitutes a hindrance to further research. Is there empirical evidence that it is more than a transitory barrier? Does the prospect of patenting provide incentives that promote research, compensating for the temporary hindrance from proprietary control? These questions involve broad, complex issues that have received scholarly attention and merit further investigation.For discussions

by philosophers, legal scholars, a historian, scientists and others, see V. Weil and J. Snapper, eds., Owning Scientific and Technical Information (New Brunswick, N.J.: Rutgers University Press, 1989). These issues cannot be resolved in individual research groups. At the same time, lab directors and other investigators should not assume that these issues are irrelevant or inappropriate for discussion within research groups. It is tempting to exclude such matters from the research setting or to give them low priority. That response overlooks the benefits to scientists, the conduct of research, and society and the potentially positive affect on public support of science, if emerging young scientists have been prepared to reflect seriously upon their multiple obligations.