

The Heinz Incident

In Europe a woman was near death from a terminal disease. There was, however, one drug which doctors thought might save her. It was a form of radium that a pharmacist in the same town had recently discovered. The pharmacist believed that he "had to always do what was in his own best interest," and decided to charge one hundred times what the drug cost to produce so that he could solicit as much profit from his research as possible. The cost for one dose was a quarter million dollars, and the doctors suggested that the woman would need four in order to be cured. The sick woman's husband, Heinz, went to everyone he knew to borrow money, but was only able to raise \$300,000.00. He went to the pharmacist personally and told him his wife was dying, asking the pharmacist to sell it cheaper or allow him to pay later. The pharmacist flatly said, "No, it is not in my best personal interest to discount the drug." Heinz was desperate and he broke into the man's laboratory and stole four doses of the drug for his wife. Heinz and his wife went to a distant town where she received the new treatment, and was cured. Heinz was so deeply moved by the incident that he used his savings to start his own research center where cures for a number of different terminal diseases were discovered and distributed to the public for a nominal cost. Over the course of the next years, thousands of individual lives were saved because of his generosity. Seven years after the theft, the pharmacist who originally discovered the medication was vacationing in this distant town and he recognized Heinz as the individual who had stolen his formula in order to save his wife. He solicited the help of the local police and had Heinz arrested. Heinz was later sentenced and a date was arranged for court proceedings. You were selected to be on the jury discussing this case with five of your peers. After several days in court where the defense and prosecuting attorneys each presented lively arguments, you and your peers were relocated to a quiet back room where you begin to discuss the evidence. The room was quiet, with each juror reading through transcripts from the trial. The prosecuting attorney presented the closing argument, with the following statement providing a summary of his thoughts: "In closing, I would like to emphasize the sober reality that if Heinz is released, it would set a difficult precedent throughout the Country for others who might choose to steal for various motives. A wrong decision by you, the jury, could negatively influence dozens of other futures cases throughout our Nation. Enforcing the just penalty for theft which is established by our judicial laws is obviously in the best interest of our all our citizens." Juror one broke the silence after reviewing the final arguments by stating: "you know, I don't think the prosecuting attorney's closing arguments really make sense. I mean, who really believes that the laws of this nation are always correct! I'm sure there are some remote nations or people who would actually reward Heinz for his action." After a brief pause, he concluded: "in a sense, laws are really relative to culture, and therefore how can we possibly sentence someone for something that is not universally agreed upon as wrong?" After a quiet moment juror two makes a point that the "selfish" pharmacist has lost a million dollars in revenue because of Heinz's theft, and yet if Heinz is sent to prison his factory will close resulting in the loss of dozens of jobs. Over time, the revenue from these lost jobs would potentially be millions of dollars. In addition, he suggests, those being helped by the medical assistance will no longer have the medicine available at an affordable cost. "You have to do what is best for the most people," this juror summarized, "and let Heinz go free. In fact, I think you should lock up the pharmacist." In response juror three emphatically says: "sure the pharmacist was selfish, but he did nothing wrong. He had the right to sell his discovery for any price he wanted to!" Juror four thoughtfully adds: "I'm sorry for the loss of jobs and the impact of the community, but any way you look at it stealing is wrong....period! Heinz should go to jail." Juror five quickly stands and states: "I agree with juror four, but perhaps for a different reason. The Good Book clearly states 'You shall not steal'! If God states stealing is wrong, it's wrong... no questions asked! I like Heinz, but he broke a divine command and is clearly guilty." After a moment of contemplation the quietist member of the jury, number six, added: "Heinz was simply the better of the two men." "In fact," he continued, "I believe his virtuous character and motives should be weighed more heavily than the rightness or wrongness of his conduct in determining the sentence or even his ultimate guilt." - **Which juror best represents your view?**

The above situation was modified from The Heinz Dilemma, constructed by: Kohlberg, Lawrence. *Collected Papers on Moral Development and Moral Education*. Cambridge: Moral Education and Research Foundation, Harvard University Education Foundation, 1973.