MEDICAL-MORAL DILEMMA: Experimentation on Prisoners
(Ninth of a Series)

CASE: In order to determine the effects of accidental radiation on the human reproductive system, tests were conducted on about 130 inmates of Oregon and Washington prisons during the late 1960s and early 1970s. The study was proposed to the Atomic Energy Commission after a 1962 accident in which three workers were exposed to accidental radiation. The research was funded by the Energy Research and Development Administration for the purpose of setting nuclear safety standards.

Inmates were paid monthly for volunteering to have their testicles bombarded by X-rays in varying amounts and then submitting to biopsies, blood sampling and seminal fluid donation.

All the men agreed to undergo vasectomies at the end of the project, but Dr. [Alvin] Paulsen [director of the study] said twelve of the Washington prisoners later refused the sterilization operations. (St. Louis Post-Dispatch 3/7/76, p. 10A)

Is it ethical to conduct such studies on prisoners?

AFFIRMATIVE: There are a number of conditions under which such experimentation would be unethical: (1) if the projected benefit is not sufficiently great to justify the risk; (2) if the risk has not been minimized to the greatest extent possible; (3) if the information can be obtained in other ways, such as animal experimentation; or (4) if the inmates are not fully informed of the potential risk. On the assumption that none of these conditions obtain here, nothing is wrong or unethical with such experimentation. Experiments on institutionalized subjects can be particularly useful because of the greater degree of control the experimenter has over the experimental conditions: diet, medications, etc. The fact that prisoners are competent adults avoids the problems associated with proxy consent for nontherapeutic experimentation. A misguided paternalism should not prevent prisoners from deciding for themselves whether to become experimental subjects. Benefits to the prisoner himself are many: (1) participation in an interesting experiment may provide much needed relief from the boredom of prison life; (2) payments for participation may be the prisoner's primary or only source of income; and (3) participation may be an appropriate way of paying part of the prisoner's debt to society.

NEGATIVE: The very fact that anyone would consider consenting to the irradiation of his testicles indicates that there is some gross distortion in the prison setting. First, the payment of four or five dollars per day to the experimental subject may not appear to constitute an excessive inducement to participate; but in an institutional setting where most prison jobs pay from twenty cents to one dollar a day and this is the only source of income, the payment of from five to twenty-five times the amount of a standard prison job seriously undermines the prisoner's ability to decide on the basis of his own best interests. This first objection could be avoided by reducing or eliminating compensation entirely, but a second objection cannot be avoided for it points to a problem inherent in the institutional setting: the desire to please one's supervisors with a hope for better conditions, earlier parole, etc., with a corresponding fear of the potential consequences of refusal. It has been pointed out that even if the prisoner is told that decisions regarding his case will in no way be affected by his participation or refusal to participate, he has everything to gain and nothing to lose by acting on the assumption that what he is being told is not in fact true. The institutional setting is inherently unfree, and no experimentation not expected to benefit the individual prisoner should be permitted.

MODIFIED AFFIRMATIVE: Because of abuses such as this, the federal government has severely restricted financial support for research conducted (Continued on Page Four)