

Research on Captive Populations

Our national debate about institutionalized research subjects is heating up. Recent revelations about army and CIA experimentation with LSD provide a chilling reminder of the arrogant disrespect for persons that can accompany the power that a cloak of secrecy brings. The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research is now turning its attention to research on soldiers, prisoners, inpatients, and other captive populations. The research community fears unwelcome new restrictions, and the air hangs heavy with concern, outrage, and polarization. A lot is at stake both for those whose focus is on the social benefits of research and for those—scientists and others—who recognize that how we treat our disadvantaged populations is a substantial indicator—and, indeed, a major determinant—of what sorts of persons we are.

Confined persons are desirable subjects largely because of what Franz J. Ingelfinger calls their "administrative eligibility." The structured circumstances that provide that eligibility also make such persons dependent on the decisions of others who, as commanding officers, wardens, or hospital staff, have substantial control over the potential subjects' lives. It is argued that their dependency makes coercion implicit unavoidably in their circumstances; hence the consent of such persons, even if fully informed, cannot be fully free. Thus, if informed consent freely given is a criterion of ethical acceptability, captive populations cannot ethically be used for research.

Yet this argument may prove too much. Coercion to some degree frequently seems implicit even in the provision of uncontroversial opportunities. Poor or unemployed persons, and even the professionally frustrated, if offered an opportunity for betterment, are pressured by their circumstances to seize the opportunities. No one argues that to provide such opportunities is generally unethical. Some prisoners claim a right to decide for themselves whether to participate in research programs, thereby to better their circumstances through compensation, relief of boredom, and opportunity to gain enhanced self-respect through altruistic

service. A ban on such research would reflect a paternalistic decision to protect prisoners from such decisions.

Perhaps the dependency of captive populations does justify, or even require, paternalistic prevention of their participation in research. But that can be shown only by identifying those features of their dependency that make free choice impossible. Since all persons are dependent and constrained in various ways, the dependency of captive populations must be assessed against the broader backdrop of universal human dependency. The inquiry requires clarity about the relationships among the concepts of rewards, incentives, opportunities, dependency, coercion, freedom of choice, and the justifiability of paternalism. Such traditionally philosophical issues reveal immediate practical import in the context of debate about public regulation of scientific practice and should be given their due by the National Commission and by partisans in the debate.

Furthermore, it would be unfortunate to overweight the present facts of administrative eligibility. New forms of social organization can arise as needed, and one can easily imagine a league of research subjects, motivated by altruism, compensation, or social recognition, analogous to other socially beneficial, risk-accepting groups such as volunteer firefighters or the civil air patrol. Judgments about convenience provide shaky grounds indeed for conclusions about ethical acceptability. Conceptual clarity and sound arguments are what we need.

The cloak of secrecy that has shielded our programs of research on confined populations is rapidly lifting; much of what is revealed will not bear moral scrutiny. Notice has been served on universities, drug companies, national security organizations, and the scientific community at large that the search for truth will enjoy no procedural *carte blanche*. In the ensuing debate the scientific community's credit rating is at stake.

Samuel Gorovitz
Department of Philosophy
University of Maryland
College Park, MD 20742

Received February 13, 1976.

Authors please note:

Page charges for contributed articles published in the Journal of Pharmaceutical Sciences will be \$70 per printed page, effective July 1976. Recognizing that publication of research reports is an integral part of research, page charge costs should be considered as a part of research funding.

Acceptance of manuscripts for publication is not contingent upon payment of page charges. However, the continued viability of scientific journals is contingent upon the sponsors of research assuming some of the responsibility for publication of the results of research.