

# Ethical issues in using prisoners in research essay example

[Sociology](#), [Ethics](#)



## **Introduction**

The debate about using prisoner as test subjects in clinical researches has been in the public domain for a while now. This is especially disturbing given the fact that the use of these vulnerable members of the society as test subjects can be traced back to the pre-World War II era. However, it must be mentioned that the use of prisoners as test subjects was greatly fuelled by WWII. For instance in the year 1944, inmate affiliated to penal institutions in the state consented to being infected with malaria as part of clinical research to develop effective drugs to combat the impacts of the disease on the Allied Forces in the Pacific. In fact the body that the state constituted to investigate whether it was ethical or not for prisoners to be involved in such clinical trial gave the project a green light. Recommendations of the commission were later published in the Journal of American Medical Association (JAMA) which then was one of the leading medical journals in the country hence consequently sealing the fate of prisoners as far as clinical trial are concerned.

This thesis shall not in any way try to dispute the fact that involvement of prisoner in clinical trials has played a crucial role in the medicine development field. In fact a section of intellects have claimed that this best thing to happen to prisoners given the challenges that penal institutions worldwide are renowned for. These problems involve but are not limited to the following aspects of life; poor health conditions that have been found to significantly higher amongst the prisoner compared to the general public. Based on this premise, some researchers argue that clinical trials are a

dream come true for the prisoners though this idea is not that popular amongst human and civil rights activists. This thesis shall henceforth discuss some of the ethical issues that do arise in using prisoners as test subjects for clinical trials and the impact of such practises on the drug development industry.

### **Ethical Issues: Prisoners as Test Subjects for Clinical Trials**

The ethical framework was established to protect the vulnerable members of the society prisoners included from the excesses of researchers especially as far as clinical trials are concerned. Prisoners fall into the category of the vulnerable due to many factors including their social limitations and mental capabilities. This is especially the case given that the need for pharmaceutical research has increased sporadically in the past two decades and as a direct consequence of this growth so has the need for test subjects' recruitment. In fact, given that the human population has grown from 1billion to 7billion, it will be safe to assume test subjects for clinical trials are bound to increase by the same multiplication factor which in our case is seven. This is where the vulnerable groups of the society such as the poor, students, children, women and prisoners coming handy because they do not need much convincing to be involved in clinical trials.

In accordance with the ethical and legislative frameworks in place, test subjects in clinical research work should generally be treated autonomously. This is not in the case when it comes to prisoners because they do have diminished autonomy and thus by law and ethical codes they should be protected from clinical trials amongst other form researches. Prisoners have

diminished liberty and autonomy and therefore question arise when clinical researchers claim that this grouping of vulnerable members of the society is truly free to make informed consent as far participation in clinical trials is concerned. Based on this premise, it is clear that in the penal institutional setting, prisoners are coerced one way or the other to take part in clinical research work. Case in point, it is common knowledge that in penal institutions across the globe the incarcerated members of the society are subject to the poorest living conditions that the human imagination can come up with.

Therefore, the easiest way to coerce prisoners into being research subjects is to dangle the improved healthcare access carrot before them. In practise, prisoners get involved in medical research for the sole purpose that the benefits of the process might trickle down to them. Other types of “incentives” used to coerce prisoners to get involved in clinical trials involve but is not limited to buying of the inmates in small insignificant ways in the free world that are very significant in the penal system. For instance prisoners are commonly to clinical trials by the allure of better food and sleeping quarters, reduced sentences, improved healthcare and in some instances large cash payments. Despite all these pull factors; no one bothers to follow up whether the health harms that prisoners are exposed to as a result of being involved in the clinical trials are addressed medically. In the eventuality that they addressed, their effectiveness is usually greatly hampered.

In addition to autonomy, ethical codes of research dictate that human test subjects be treated justly. This ethical code basically stipulates that the benefits of research in general should be distributed equitably within the society. Based on this principle most physicians and researchers target prisoners in the guise of improving the wellbeing especially as far healthcare are concerned. The reality is that prisoners are targeted because of the accessibility and vulnerability; most of these pharmaceutical companies and researchers are out there to make profits and basically do not care about the wellbeing of the public leave alone that of incarcerated members of the society. By virtue of being under lock and key the whole day, prisoners do not have access to cutting edge medical therapies and therefore this increase the gap between the haves and the have-nots.

Such scenarios impinge on the fundamental principles of justice and therefore disadvantage the prisoners especially in relation to their involvement in clinical research. This implies that prisoners and most vulnerable groups of people within the society do not benefit medically from participating in clinical trials. Basically human rights activists and proponents of ethical practise within the realm of medical research that if the society at large is to gain significantly from clinical trials, then the participant in this case being prisoners should benefit even more. This is a difficult thing to achieve given that the benefits of any clinical trial cannot be guaranteed in advance. Also, it will be difficult to come up with a fair unbiased standard of protecting vulnerable members of the society from being exploited at the expense of the socially able.

Finally based on the principle of Utilitarianism, using prisoners test subjects benefits the society at the expense of these incarcerated fellows. The principle of utilitarianism justifies coercing inmates to be involved in research work for the greater good of mankind. This principle also stipulates that using prisoners as test subjects is not permissible but it is morally acceptable for the general good of the society. Ethically this mentality that advocates for the sacrifice of the few for the greater good of the many is not acceptable. In fact a brief overview of historical records will reveal that such mentalities are what eventually culminated to international disasters such as the Holocaust and other atrocities committed to prisoners over time.

### **Impact on the Field of Research**

As clearly stipulated within the thesis there are a tonne of ethical issues that arise in using prisoners as test subjects in clinical trials. Given that most of the prisoners are shunned by the society as a result of their criminal behaviour, using such members as test subjects serves the purposes of the researchers at the expense of the rights of the participants. Based on this premise, it is thus clear that ethical frameworks governing the use of prisoners as test subjects are implemented liberally and complacently and henceforth this gives an advantage to the researchers. As result, this has subsequently led to expediency in research work especially given the fact that it is not only acceptable to the society in general but also the fact that government agencies codon such practises encourage them. The ultimate result is the fact clinical trials are now cheaper to test because it is easier to coerce the prisoners into participation, the researchers are not liable to any

litigation measures from the prisoners in case of harmful damage to their health and in those rare circumstances, prisoners actually do benefit health wise from such medical experiments given the poor healthcare they are subject to. To conclude, using prisoners as test subjects for clinical trials is classical example of cases whereby the end justifies the means.

## References

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